The Law of Elections;

BEING AN

ABSTRACT

OF

All the Statutes now in Force

Relating to the Election of

MEMBERS

To Serve in the

House of Commons.

In Three SECTIONS,

VIZ.

The DUTIES, &c. of { The Electors, The Elected, and the Officers Returning.

The Second Edition, continued to the End of the last Session of Parliament, 1713.

In the *SAVOY*:

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THE PREFACE.

AN Abſtract of the *Statutes* relating to *Parliament Elections*, was recommended, as of uſe to the Publick, by a very worthy Man, lately deceaſed, whoſe Life was conſtantly imploy'd in the Service, and Intereſts of his Country, and for a great part of it in the *Houſe of Commons*: And the method, theſe Sheets appear in, receiv'd the Honour of his Approbation. Under theſe Conſiderations it is now ſubmitted to the *Electors*, and *Repreſentatives* of *Great Britain*.

The *Sections* the following *Abſtract* is divided into, contain every Head that the Matter of an Election can properly fall under, (*viz.*) The *Rights*, *Duties*, and *Qualifications* of the *Electors*, the *Elected*, and the *Officers returning*: And in each Section the *Statutes* in Force in *England* to the time of the *Union*, and from thence in the *United Kingdom* to the end of the *laſt Seſſion of Parliament*, (*for ſo much of each, as properly relates to each Section*,) are continued under the ſeveral Reigns, and Years they were made in, and the Chapters they are divided into in the Statute Book at large; *In which reſpect* principally 'tis called an *Abſtract*, and *for that only* the *enacting Parts* of each

Statute are *taken Notice* of, and *nothing foreign to the Election* of *Commoners*; for where the Duties, *&c.* of the Members of both Houſes are blended together in one Act, (as they are in many,) the Words reſpecting the Lords are alſo omitted, as are likewiſe all Clauſes in any, repealed by ſubſequent Acts.

As to ſuch Laws as ſeem to be *Principles inductive to each Head*; As *Magna Charta*, and ſome others of Antiquity; The *Union of Wales* under *Hen.* 8. The *Claim of Right* on the Revolution; The *Limitation of the Crown* to the Houſe of *Hanover*; and the late *Union with Scotland*; It was thought fit, for Diſtinction ſake, to place ſo much of each, as was neceſſary, under each Section, in a *different Letter* from the Body of the Book: But to divide the reſt, (which may be called the Body of the Book,) into *two Columns*; The firſt containing the *Abſtract* of the Statutes themſelves in the very Words of each Statute, relative to that Head; of which nothing material ('tis hop'd) is omitted, nor any thing added, but to preſerve the true *Intent* of ſuch *Statute*, and neceſſary *Connection*, (both which are alſo in a *different Letter*;) And the *ſecond Column*, is an *Abridgment* of the *firſt* particularly adapted to the Duties, *&c.* of thoſe concern'd under the Title of each Section; So that the *Electors*, the *Elected*, and the *Returning Officers*, *ſeverally*, have at one View, the *Law it ſelf*, and it's *Epitome*.——'Tis farther to be obſerv'd, That where *any thing interven'd*, that could *not* properly be *rang'd* under *either Head*; As the *Excluſion* of the *Officers* of the *Cuſtoms*, and *Exciſe* from intermedling in *Elections*; The *Clerk* of the *Crown*'s Duty in filing *Returns*, and the like; as it

ought

ought not to be omitted, (the Penalties therein accruing to thoſe concern'd, under one *Head*, or other,) So 'tis continued in Order of time under *each*, in yet a *different Character*.——What hath been ſaid, 'tis hop'd, is ſufficient to explain the Method, and that what elſe may relate to it, will be found obvious.

This was thought the *faireſt*, as well as the *plaineſt* way, of *rendring* a *Collection* of this kind *uſeful*; For in as much as the *Senſe* of any *thing abridg'd* is very often *miſtaken* in the *Abridgment*; 'twas conceiv'd neceſſary to give our *Legiſlators Senſe* in their *own Words*, as well as *that way*; The *former* being, if not a *Voucher* for the *latter*, yet a certain *Guide* to *detect* any of it's *Errors*; and the *Latter* (if faithfully perform'd) as ready a *help* to the *Memory*, if not the *Underſtanding*, of *many* concern'd, eſpecially our *Electors*.——'Tis true, This Method could not be perſu'd without ſome Repetitions, but, 'tis hop'd they will appear ſo neceſſary, as not to have been omitted, without rendring ſuch Section, in which they are made uſe of, and thereby the whole deſign of the Book, imperfect.

As the *End*, as well as the *Title* of it, is only to ſtate the *Statute Law* in force relating to *Elections*, 'tis preſum'd *nothing* can be herein *expected*, that (as has been ſaid) is *repealed* by any ſubſequent Statute; *and the qualifications of Members by taking the Aſſociation, or the like; nor any thing* concerning the *calling and frequency of Parliaments*, or the *Privileges of Members*; *As* thoſe *Acts* that appoint *Annual* or *Triennial Parliaments*; *Thoſe*, (or the *Clauſes* of *any*) that *continue Parliaments* after the *Demiſe* of a *King* or *Queen*, or

that

that *concern* the *Privileges* of *Members*, either as to their *Persons*, or with reſpect to *Suits* at Law, *&c.* for, or againſt them: And ſuch *Parts* alſo of *any*, *(herein abſtracted,)* as *relate* to the *Wages* of *Knights*, *Citizens*, or *Burgeſſes*, from the *Shires*, *&c.* they repreſent, were thought altogether as *unneceſſary to be taken notice* of, at a time, *when the Service of their Country is courted by our Patriots, as a ſufficient reward in it's ſelf.*

All matter of *Comment*, *Quotation*, *&c.* was in like manner thought fit to be *avoided*; Not only for the *Eaſe* of the honeſt *Elector*, who might be *miſled*, or *perplex'd* in ſuch a *Maze*; but *alſo* with due *regard* to the *Dignity* of the *Legiſlative* it ſelf; for beſides that, a poſitive Law in a plain Caſe ought to be allow'd capable of ſpeaking its own Senſe, in its own Words; ſo more eſpecially ought our Laws to be in Matters conſtituting ſo great a part of the Legiſlature; nay, much rather to be conceiv'd in ſuch Words, as no ways liable to want of Interpretation, or Miſtake.

How far this Deſign is well executed, muſt be ſubmitted toPublick Cenſure, and *better Judgments*: The Editor of the following Sheets, has only to offer in excuſe for any of his Failings, that he has acted herein with Integrity, and is very certain no miſtakes of any kind have been wilfully, or negligently committed, and hopes all others, either of his own, or the Preſs, may be Pardonable.

THE

THE LAW OF ELECTIONS.

Of the Electors.

Magna Charta.

9 H. 3. *Confirm'd* 28 E. 1. ch. 9.

THE City of *London* shall have all the old Liberties and Customs which it hath been used to have. Moreover, We Will and Grant, That all other Cities,

England

Boroughs, Towns, and the Barons of the Five Ports, and all other Ports, shall have all their Liberties and free Customs.

Stat. 34 Ed. 1. *ch.* 1.

No Tallage or Aid shall be taken or levied by Us or Our Heirs in Our Realm, without the Good-will and Assent of Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other Freemen of the Land.

Chap. 4.

We Will and Grant for Us and Our Heirs, That all Clerks and *Laymen* of Our Land shall have their Laws, Liberties and free Customs, as largely and wholly, as they have used to have the same at any time when they had them best; And if any Statutes have been made by Us or Our Ancestors, or any Customs brought in contrary to them, or any manner Article contained in this

this present Charter, We Will and Grant that such manner of Statutes and Customs shall be void and frustrate for evermore. England.

Stat. 7 H. 4. ch. 15.

Ordained, &c. That from henceforth (in order to the Elections of Knights of the Counties for the Parliament) at the next County to be holden after the delivery of the Writ of the Parliament, Proclamation shall be made in the full County of the day and place of the Parliament, and that all they that be there present, as well Suitors duly summoned for the same cause, as other, shall attend to the Election of Knights for the Parliament, and then in the full County they shall proceed to the

Electors to attend to elect Knights of the Shires on Proclamation to be made at the next County-Court after the Delivery of the Writ to the Sheriff, and to proceed to the Election freely.

England. Election fairly and indifferently; notwithstanding any request or commandment to the contrary.

And after that they be chosen, the Names of the persons so chosen (be they present or absent) shall be written in an Indenture under the Seals of all them that did chose them, & tacked to the same Writ of Parliament; which Indenture so sealed and tacked, shall be holden for the Sheriff's Return of the said Writ touching the Knights of the Shire.

Electors after the Election to seal an Indenture containing the Names of the persons chosen, which annex'd to the Writ to be the Sheriff's Return.

Stat. 1 H. 5. *ch.* 1.

That the Knights and Esquires, and other which shall be Choslers of Knights of the Shires, be resident, within the

Electors of Knights of the Shires to be resident in the same Shires at the date of the Writ.

same

same Shires the day of the date of the Writ of Summons of Parliament.

Stat. 8 H. 6. *ch.* 7.

Provided, &c. That the Knights of the Shires to be chosen within the Realm of England to come to the Parliaments of our Lord the King hereafter to be holden, shall be chosen in every County of the Realm of England by people dwelling and resident in the same Counties, whereof every one of them shall have Land or Tenement to the value of 40 s. by the year at the least, above all Charges; And shall be return'd by Indentures seal'd betwixt the said Sheriffs and the said Electors of Knights of the Shire to be such as reside within the same County, and having Lands or Tenements of 40 *s.* a year Estate above all Charges.

An Indenture to be made between the Electors and Sheriffs, shall be the Return.

England. Chosers so to be made.

He which cannot expend 40 s. by the year as aforesaid, shall in no wise be chosen of the Knights for the Parliament.

None to elect that cannot expend 40 *s.* by the year.

Stat. 10 H. 6. *ch.* 2.

Ordained, &c. That the Knights of all Counties within the Realm (of England) to be chosen to come to Parliaments hereafter to be holden, shall be chosen in every County by people dwelling and resiant in the same, whereof every Man shall have Freehold to the value of 40 s. by the year at the least, above all Charges, within the same County where any such Chosen shall meddle of any such Election.

Electors of Knights of the Shires shall be such as reside within the same, each having Freehold of 40 *s.* a year at least, above all Charges, in the Counties they elect for.

Stat.

Stat. 23 H. 6. ch. 15.

Ordained, &c. That every Sheriff, after the delivery of any Writ (of Election) to him made, shall make and deliver without fraud a sufficient Precept under his Seal to every Mayor and Bailiff, &c. of the Cities and Boroughs within his County, commanding them by his Precept, if it be a City, to chuse by Citizens of the same City, Citizens; and in the same manner and form if it be a Borough, by the Burgesses of the same, to come to the Parliament

Citizens and Burgesses within Cities and Boroughs, to elect Citizens and Burgesses of the same, and the Sheriff to direct his Precept accordingly.

England.

Stat. 27 H. 8. ch. 26.

Enacted, &c. That the Dominion of *Wales* shall be, stand, and continue for ever from henceforth incorporated, united, and annexed to and with the Realm of *England*; And that all and singular person and persons, *born and to be born*, in the said Principality, Countrey, or Dominion of *Wales*, shall have, enjoy and inherit *all and singular Freedoms*, Liberties, Rights, Privileges, and Laws, *within this Realm*, and other the King's Domions, as other the King's Subjects naturally born within the same, have, enjoy, and inherit.

For all Parliaments to be holden and kept for this Realm, two Knights shall be chosen and elected to the same Parliament for the Shire of Monmouth, (heretofore

The County of *Monmouth* to elect two Knights, and the Borough of *Monmouth* one Burgess, in like manner as other Shires and Boroughs of *England*.

part

part of Wales) and one Burgeſs for the Borough of Monmouth, in like manner, form, and order, as Knights and Burgeſſes be elected and choſen in all other Shires of this Realm of England.

And that one Knight ſhall be choſen and elected to the ſame Parliaments for every of the Shires of Brecknock, Radnor, Montgomery & Denbigh, and for every other Shire within the ſaid Country and Dominion of Wales, and for every Borough being a Shire-Town within the ſaid Countrey or Dominion of Wales (except the Shire-Town of the County of Merioneth) one Burgeſs, and the Election to be in like manner, form,

Each County in *Wales*, and each Shire-Town of each County, (except the Shire-Town of *Merioneth*) to Elect one Knight, and one Burgeſs in like manner.

and

England. and order as Knights and Burgesses of the Parliament be elected and chosen in other Shires of this Realm.

Stat. 34 & 35 H. 8. *ch.* 13.

Enacted, &c. That the County Palatine of Chester shall have two Knights for the said County Palatine, and likewise two Citizens to be Burgesses for the City of Chester; the same Election to be made under like manner and form, to all intents, constructions, and purposes, as is used within the County Palatine of Lancaster, or any other County and City within this Realm of England.

The County Palatine of *Chester* to elect two Knights, and the City of *Chester* two Citizens, Burgesses in like manner.

Stat.

England

Stat. 35. H. 8. *ch.* 11.

Enacted, &c. That the Burgeſſes of all and every Cities, Boroughs & Towns (in the 12 Shires within *Wales* and County of *Monmouth*, not finding Burgeſſes for the Parliament themſelves, & contributary to Wages of Burgeſſes of ſuch Shire Towns) ſhall be lawfully admoniſhed by Proclamation, or otherwiſe, by the Mayors Bailiffs and other Head Officers of the ſaid Towns, or by one of them, to come and give their Elections for the Electing of the ſaid Burgeſſes, at ſuch time and place, lawful and reaſonable, as ſhall be aſſigned for the ſame intent by the ſaid Mayors, Bailiffs, and

Elections of Burgeſſes for the 12 Shire-Towns in *Wales*, and of *Monmouth* to be as well of Burgeſſes of all Cities, Boroughs, *&c.* in thoſe Counties, and as of Burgeſſes of thoſe Towns themſelves, and ſummoned to ſuch Elections by the Mayors, Bailiffs, *&c.* of the ſaid Shire-Towns.

England. and other Head Officers of the said Shire-Towns, or by one of them, in which Elections the Burgesses shall have the like Voice and Authority to elect, name, and chuse the Burgesses of every the said Shire-Towns, like, and in such manner, as the Burgesses of the said Shire Towns have and use.

Stat. 25 C. 2. *ch.* 9.

Enacted, &c. That the County Palatine of Durham may have two Knights for the same County, and the City of Durham two Citizens to be Burgesses for the same City for ever hereafter to serve in the High Court of Parliament, the same Election from time to time

The County Palatine of *Durham* to Elect two Knights, and the City of *Durham* two Citizens, Burgesses by majority of Freeholders of the County present, and like majority of the Mayor, Aldermen, and Freemen of the City present.

time to be made in manner and form following, (that is to say) the Elections of the Knights to serve for the said County Palatine from time to time, to be made by the greater number of the Freeholders of the said County Palatine of Durham, which from time to time shall be present at such Elections, accordingly, as is used in other Counties of this Kingdom, and that the Election of the said Burgesses from time to time, to serve in the High Court of Parliament, for the City of Durham, to be made from time to time, by the major part of the Mayor, Aldermen and Freemen of the said City of Durham, which from time to time shall

England. shall be present at such Election.

Stat. 1 W. & M. *Sess.* 2. *ch.* 2.

[The Claim of Right.]

That the Election of Members of Parliament ought to be free.

Enacted accordingly.

Stat. 2. W. & M. *ch.* 7.

Enacted, &c. That all Nominations or Recommendations (claimed as of Right by the Lord Wardens of the Cinque-ports to each of the said Cinque-ports, two antient Towns, & their respective Members, of one Person whom the Electors ought to Elect as a Baron or Member of Parliament for such respective Port, antient Town, or Member,) The Nomination to Electors of one of the Barons of each Cinque-port, the two ancient Towns and their Members claim'd by the Lord *Warden* contrary to Law, and void.

were

were and are contrary to the Laws and Constitutions of this Realm, and for the future shall be so deemed and construed, and hereby are declared to have been, and are void to all intents and purposes whatsoever, any pretence to the contrary notwithstanding.

Stat. 5 W. & M. ch. 20.

No Collector, Supervisor, Gauger or other Officer, or person whatsoever concerned, or implaied in the charging, collecting, levying or managing the Duties of Excise, or any Branch or Part thereof, shall by Word, Message or Writing, or in any other manner endeavour to perswade any Elector *to give, or dissuade any* Elector *from giving his Vote for the Choice of any Person to be a Knight of the Shire, Citizen, Burgess or Baron of any County, City, Borough or Cinque-port,*

England.

port, and every Officer or other Person offending therein, shall forfeit the Sum of 100 *l. one moiety thereof to the Informer, the other to the Poor of the Parish, where such Offence shall be committed, to be recovered by any Person that shall sue by Action of Debt, Bill, Plaint, or Information in any of their Majesty's Courts of Record at* Westminster, *in which no Essoin, Protection, Privilege, or Wager of Law, or more than one Imparlance shall be allowed, and every Person Convict on such Suit shall be forever after incapacitated to bear any Office or Place of Trust under the Crown.*

Stat. 7 & 8. W. 3. ch. 25.

Enacted, &c. That upon every Election to be made of any Knight or Knights of the Shire, (in case a Poll shall be required) every Freeholder before he is admitted to be Sworn before admitted to Poll, if so required by any Candidate.

mitted to Poll at the ſame Election, ſhall if required by the Candidates, or any of them, firſt take the Oath (in this Act contained, which ſee in the Appendix) and in caſe any Freeholder, or any other Perſon taking the ſaid Oath, ſhall thereby commit wilful and corrupt Perjury, and be thereof convicted, he, & they ſhall for every ſuch offence incur the like pains, and Penalties as are in, and by one Act of Parliament made in the fifth Year of the Reign of the late Queen Elizabeth, enacted, againſt all ſuch who ſhall commit wilful Perjury contrary to the ſaid Act.

No Perſon or Perſons ſhall be allowed to have any Vote in

Freeholders, or others committing Perjury, and convicted, for every Offence (*forfeit* 20 l. *have half a years Impriſonment, and be incapaciated to take an Oath till ſuch Judgment reverſed, and for want of* 20 l. *to have their Ears nailed to the Pillory*, per Stat. 5 Eliz. cap. 9.)

Truſtees and Mortgagees not to be Electors, unleſs in poſſeſ-

Britain. Election of Members to serve in Parliament for or by reason of any Trust Estate, or Mortgage, unless such Trustee or Mortgagee be in actual Possession or Receipt of the Rents and Profits of the same Estate, but that the Mortgagor or Cestui qui trust in Possession, shall and may vote for the same Estate, notwithstanding such Mortgage or Trust. And that all Conveyances of any Messuages, Lands, Tenements, or Hereditaments in any County, City, Burrough, Town-Corporate, Port or place, in order to multiply Voices, or to split and divide the Interest in any Houses or Lands among several persons, to enable them

sion, or receipt of the Rents of the Estate, but the Mortgagor or Person to whose use the Trust is.

Conveyances of Houses, Lands, *&c.* in parcels to several Persons to **multiply Votes** declared void, and no more than **one Vote** to be admitted for **one Tenement.**

them to vote at Elections of Members to serve in Parliament, are hereby declared to be void and of none effect; and that no more than one single Voice shall be admitted for one and the same House or Tenement.

No person whatsoever being under the age of 21 years shall at any time hereafter be admitted to give his Voice for Election of any Member or Members to serve in Parliament.

None to be an Elector under the age of 21 years.

Stat. 7 & 8 W. 3. *ch.* 27.

No person who shall refuse to take the Oaths (of Allegiance and Supremacy, which see in the Appendix) directed by an Act made in the first year of the Reign of his present Majesty and

Electors refusing to take the Oaths of Allegiance and Supremacy; or being *Quakers*, to subscribe the Declaration of Fidelity, (to be administred by the Sheriff or chief Officer on the Poll at

England. the late Queen Mary, or being Quakers shall refuse to subscribe the Declaration of Fidelity directed by one other Act of Parliament made in the said first year of the Reign of his present Majesty and the late Queen (which see also in the Appendix) (to be administred on the Poll by the Sheriff or Chief Officer, at the request of any Candidate) shall be admitted to give any Vote for the Election of any Knight of the Shire, Citizen, Burgess, or Baron of the Cinque-Ports, to serve in Parliament.

any Election, at the request of any Candidate) not to be admitted to vote.

Stat. 12 & 13 W. 3. *ch.* 10.

No Commissioner, Collector, Comptroller, Searcher, or other Officer or person concerned or imployed in discharging, collecting, levying or managing the Cu-

Cuſtoms, or any Branch or part there- England.
of, ſhall by Word, Meſſage or Writing, or in any other manner, endeavour to perſuade any Elector *to give, or diſſuade any* Elector *from giving his Vote for the Choice of any perſon to be a Knight of the Shire, Citizen, Burgeſs, or Baron of any County, City, Borough, or Cinque-Port; And every Officer or other perſon offending therein, ſhall forfeit the Sum of* 100 l. *one Moiety to the Informer, the other Moiety to the Poor of the Pariſh where ſuch Offence ſhall be committed, to be recovered by any perſon that ſhall ſue for the ſame by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at* Weſtminſter; *in which no Eſſoin, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed; and every perſon convict on any ſuch Suit ſhall be incapable ever to bear any Office or Place of Truſt under the Crown.*

Gr. Britain.

Stat. 5 Annæ, *ch.* 8.

[*The Union Act.*]

FOrty five ſhall be the number of the Repreſentatives of *Scotland* in the Houſe of Commons of the Parliament of *Great Britain*.

Enacted accordingly.

Of the ſaid Forty five Repreſentatives of Scotland in the Houſe of Commons of the Parliament of Great Britain, Thirty ſhall be choſen by the Shires, and Fifteen by the Royal Burghs (as follows, viz.) one for every Shire and Steuartry, excepting the Shires of Bute and Cathneſs, which ſhall chooſe one by turns, Bute having the firſt Election; the Shires of Nairn and

Of the Forty five Repreſentatives for *Scotland*, the Shires to chuſe Thirty, and the Royal Burghs Fifteen.

One for every Shire, except *Bute* and *Cathneſs*, which are to chuſe one by turns, *Bute* to have the firſt Election.

Nairn and *Cromarty* the like.

Cromar-

Cromarty, which shal also choose by turns, Nairn having the first Election; and in like manner the Shires of Clackmannan and Kinross shall choose by turns, Clackmannan having the first Election; And in case of the Death or legal incapacity of any of the said Members from the respective Shires or Steuartries abovementioned to sit in the House of Commons, the Shire or Steuartry who elected the said Member shall elect another Member in his place. And that the said Fifteen Representatives for the Royal Burghs shall be chosen (as follows, viz.) That the Town of Edinburgh shall have Right to elect and send one Member to the Parliament of Great Britain, and that each

Gr. Britain

Clackmannan & Kinross the like.

In case of Death or legal Incapacity of any Member for a Shire, Election to be made by the Shire that chose last.

Of the Fifteen Representatives for the Royal Burghs,

Edinburgh to chuse one.

Gr. Britain. of the other Burghs shall elect a Commissioner in the same manner as usual to elect Commissioners to the Parliament of Scotland, which Commissioners & Burghs (Edinburgh excepted) being divided into fourteen Classes or Districts, shall meet at such time and Burghs within their respective Districts, as her Majesty, her Heirs or Successors shall appoint, and elect one for each District, (viz.) the Burghs of Kirkwal, Week, Dornock, Dingwall, and Tain, one; The Burghs of Fortrose, Inverness, Nairn, and Forres, one; The Burghs of Elgin, Cullen, Banff, Inverary, and Kintore, one; The Burghs of Aberdeen, Inverbery, Montrose, Aberbrothock, &

Each of the other Burghs to elect a *Commissioner* as usual to the Parliament of *Scotland*.

Such *Commissioners* & Burghs divided into fourteen Districts, to meet at such time and Burghs within their respective Districts as the Queen, *&c.* shall appoint, and choose one for each District.

Kirkwall, Week, Dornock, Dingwall, and *Tain*, —— one.

Fortrose, Inverness, Nairn, and *Forres*, —— one.

Elgin, Cullen, Banff, Inverary, and *Kintore*, —— one.

Aberdeen, Inverbery, Montrose, Aberbrothock, and *Brochine*, —— one.

Bro-

Brochine, one; The Burghs of Forfar, Perth, Dundee, Coupar, and St. Andrews, one; The Burghs of Craill, Kilrenny, Anſtruther Eaſter, Anſtruther Weſter, and Pittenweem, one; The Burghs of Dyſart, Kirkaldie, Kinghern, and Bruntiſland, one; The Burghs of Innerkethen, Dunfermline, Queensferry, Culroſs, and Sterling, one; The Burghs of Glaſgow, Renfrew, Ruglen, and Dumbarton, one; The Burghs of Haddington, Dunbar, North-Berwick, Lauder and Jedburgh, one; The Burghs of Selkirk, Peebles, Linlithgow, and Lanerk, one; The Burghs of Dumfreies, Sanquhar, Annan, Lockmaben, and Kirkeudbright, one; The Burghs of Wigtown, New Galloway,

Forfar, Perth, Dundee, Cowpar, & St. Andrews, ——one.

Craill, Kilrenny, Anſtruther Eaſter, Anſtruther Weſter, and *Pittenweem,*——one.

Dyſart, Kirkaldie, Kingbern, and *Bruntiſland,*——one.

Innerkethen, Dunfermline, Queensferry, Culroſs, and *Sterling,* ——one.

Glaſgow, Renfrew, Ruglen, and *Dumbarton,* ——one.

Haddington, Dunbar, North-Berwick, Lauder, and *Jedburgh,*——one.

Selkirk, Peebles, Linlithgow, and *Lanerk,* ——one.

Dumfreies, Sanquhar, Annan, Lockmaben, & Kirkeudbright,——one.

Wigtown, New Galloway, Stranraver, and *White-*

Great Britain.

Stranraver, & Whiteherne, one; and the Burghs of Air, Irvin, Rothesay, Cambletown, and Inverary, one. And that where the Votes of the Commissioners for the said Burghs met to chuse Representatives from their several Districts to the Parliament of Great Britain, shall be equal, in that case the President of the Meeting shall have a casting or decisive Vote, and that by and according to his Vote as a Commissioner from the Burgh from which he is sent; the Commissioner from the eldest Burgh presiding in the first Meeting, and the Commissioners from the other Burgs in their respective Districts presiding afterwards by turns in the order as the said Burghs

Whitehern,—— one.

Air, *Irvin*, *Rothesay*, *Cambletown*, and *Inverary*,——one.

If the Votes of the *Commissioners* for Burghs are equal, the President of the Meeting to have the casting Vote. The *Commissioner* of the eldest Burgh to preside first, the others in their respective Districts by turns.

(used

(used to be) called in the Rolls of the Parliament of Scotland; and that in case any of the said fifteen Commissioners from Burghs shall decease, or become legally incapable to sit in the House of Commons, then the Town of Edinburgh or the District which chose the said Member, shall elect a Member in his or their place.

That none shall be capable to elect (a Representative for any Shire or Burgh of *Scotland*) unless twenty one years of Age complete, and Protestant, excluding all Papists, or such who being suspect of Popery, and required refuse to Swear and Subscribe the Formula, contained in the third Act made in the

Like Election in case of death or legal incapacity of Members for Burghs as Shires, &c.

None capable to Elect under twenty one years of Age, nor unless Protestant. A Papist, and such as refuse the *Formula* excluded.

Gr. Britain. the eighty & nineth Sessions of King William's Parliament (in *Scotland*, which see in the Appendix) nor shall be capable to elect (a Representative to) a Shire or Burgh in the Parliament of Great Britain (for *Scotland*) except such as (were at the time of passing this Act) capable by the Laws of (Scotland) to Elect as Commissioners for Shires or Burghs to the Parliament of Scotland.

Like incapacity on all, not at this time capable by the Laws of *Scotland*.

Enacted accordingly.

Stat. 6 Annæ *ch.* 6.

Enacted, &c. That when any Parliament shall at any time hereafter be summoned or called, (on Notice to be

Freeholders of Scotland to meet at the head Burghs of the Shires on notice of the time of the Election, to be given forth-

forthwith given after Receipt of the Writs by the Sheriff, or Stewart of the time of Election, for Knights of the Shire or Commissioners for Scotland) at such time of Election the several Freeholders in the respective Shires, and Stewarties shall meet and convene at the head Burghs of their several Shires and Stewarties, & proceed to the Election of their respective Commissioners or Knights for the Shire or Stewarty, and the Clerks of the said Meetings, shall respectively return the Names of the persons elected to the Sheriff or Stewart of the Shire or Stewarty, (on a Precept in like manner to be directed by the Sheriffs of *Edinburgh* to them by the Sheriff, and proceed to elect their Knights to be return'd by their Clerks to the Sheriff. Gr. Britain.

the

Gr. Britain. the Lord Provoſt of that City,) and Receipt of ſuch Precept the City of Edinburgh ſhall elect their Member, and their common Clerk ſhall certifie his name to the Sheriff of Edinburgh.

On Precepts in like manner to be directed by the Sheriffs or Stewarts of the ſeveral Shires or Stewartries, where the other fourteen Diſtricts of Royal Burghs reſpectively are, reciting the contents and date of the Writ, and commanding them to elect each of them a Commiſſioner, as they uſed formerly to elect Commiſſioners to the Parliament of *Scotland*, and to order the reſpective Commiſſioners to meet at the preſiding Borough of their reſpective Diſtrict

City of Edinburgh on precept from their Sheriff to their Provoſt to elect their Member, and their common Clerk to make the return in like manner.

Royal Burghs on like Precepts reciting the Date, and contents of the Writ, to Elect their Commiſſioners as uſual to the Parliament of *Scotland*, and each Commiſſioner of each Burgh in each Diſtrict to meet at the preſiding Borough of ſuch Diſtrict, the thirtieth day after the date of the Writ, un-

ſtrict

strict (naming it) on the thirtieth day after the Teste of the Writ, unless Sunday, and then the next day after, and then to chuse their Burgess for the Parliament. The common Clerk of the then presiding Borough, shall immediately after the Election return the name of the Person so elected to the Sheriff or Stewart of the Shire, or Stewartry wherein such presiding Borough is. And in case a vacancy shall happen in time of Parliament by the decease, or legal incapacity of any Member, a new Member shall be elected in his room conformable to the method herein before appointed, and in case such Vacancy be of a Representative for

less Sunday, and then Monday, and then to chuse their Burgess, and their common Clerk forthwith to make the return in like manner. Gr. Britain

Like method of Electing in case of Vacancy in Parliament time by decease, or incapacity of a Member, and if for a Burgh the presiding Burgh at the first, to preside at the new Election.

any

Gr. Britain. any one of the said fourteen Classes, or Districts for Royal Boroughs, that Borough which presided at the Election of the deceased or disabled Member, shall be the presiding Borough at such new Election.

Stat. 6 Annæ *ch.* 23.

Enacted, &c. That every Person who shall refuse to take the Oath (of Abjuration, which see in Appendix) or being a Quaker shall refuse to declare the effect thereof, upon his Solemn Affirmation as directed by an Act of Parliament made in the seventh year of the Reign of his late Majesty King William (the form whereof, see also in

Electors of Members of Parliament in *Great Britain*, or of Commissioners for chooſing Burgesses in *Scotland*, refusing to take the Abjuration Oath, (or, if Quakers, the effect, upon Affirmation) to be administred by the Sheriff President of the Meeting, *&c.* at the request of any Candidate, or other incapable to Vote.

the

the Appendix) to be administred by the Sheriff, President of the Meeting, or Chief Officer taking the Poll at any Election of Members to serve in the House of Commons for any place in Great Britain, or Commissioners for chooſing Burgesses in for any place in *Scotland*, at the request of any Candidate, or other Person present, **shall not be capable of giving any Vote for the Election of any such Member to serve in the House of Commons for any place in** Great Britain, **or Commissioner to chose a Burgess for any place in** Scotland.

Of the Elected.

Stat. 34 E. 1. *ch.* 1.

NO Tallage or Aid ſhall be taken or levied by us, or our Heirs in our Realm without the Goodwill and Aſſent of Archbiſhops, Biſhops, Earls, Barons, *Knights, Burgeſſes* and other Freemen of the Land.

Stat. 5 R. 2. *ch.* 4.

The King doth Will and Command, and it is aſſented in the Parliament by the Prelates, Lords and Commons, that all and ſingular Perſons and Commonalties, which from henceforth ſhall have the Summons of Parliament ſhall come from henceforth to the Parliaments in the manner

Perſons & Commonalty ſummoned to Parliament duely to attend.

as

England.

as they are bound to do, and have been accustomed within the Realm of England, of old times.

And if any Person of the same Realm, which from henceforth shall have the said Summons (be he Knight of the Shire, Citizen of City, Burgels of Borough, or other singular Person, or Commonalty) do absent himself, and come not at the said Summons (except he may reasonably, and honestly excuse him to our Lord the King) he shall be amerced, and otherwise punished according as in old times hath been used within the said Realm in the said Case.

Knights, Citizens and Burgesses absenting, to be amerced and otherwise punished as in old times used.

Stat. 1 H. 5. *ch.* 1.

That the Knights of the Shires which from hence forth shall be chosen in every Shire, be not chosen unless they be resident within the Shire, where they shall be chosen the day of the date

Knights of the Shires to be elected of such only who reside within the Counties they are cho-

England.

date of the Writ of the Summons of Parliament.

And moreover it is ordained and established, That the Citizens and Burgesses of the Cities and Boroughs be chosen Men, Citizens and Burgesses, Resiant, Dwelling, and Free in the same Cities and Boroughs, and no other in any wise.

sen for at the date of the Writ.

Citizens and Burgesses in like manner to reside in and be free of the Cities and Boroughs, they are elected for.

Stat. 8 H. 6. *ch.* 7.

That such as have the greatest number of them that may expend 40 s. by the year, and above, shall be returned (Knights of the Shire,) &c. and that they which shall be chosen shall be dwelling, and resident within the same Counties.

Knights of the Shires, shall be such as have the majority of those that can expend 40 s. a year, or more, and shall be resident in their Counties (*Generally.*)

Stat. 23 H. 6. *ch.* 15.

Ordained, &c. That every Sheriff after the delivery of any Writ (of Election) to him made, shall make and deliver without fraud, a

Citizens and Burgesses only to be elected by Citizens and Burgesses

sufficient

sufficient Precept under his Seal to every Mayor and Bayliff, or to Bailiffs or Bailiff where no Mayor is, of the Cities and Boroughs within his County, reciting the said Writ, commanding them by his Precept, if it be a City, to chuse, &c. Citizens; and in the same manner if it be a Borough, &c.

And that every Sheriff at every time that he doth contrary to this Statute, or any other Statutes for the Election of Knights, Citizens, and Burgesses to come to the Parliament, before this time made, shall forfeit and pay to every person chosen Knight, Citizen or Burgess in his County, and not duly returned, 100*l.* whereof every Knight, Citizen or Burgess so griev'd severally shall have his Action of Debt against the said Sheriff, or his Executors or Administrators, to demand and have the said 100*l.* with his Costs spent in that case. And that in such Action taken by virtue of

gesses, and the Sheriff shall direct his Precept accordingly. England.

Knights, Citizens, or Burgesses elected, & not duly return'd, (the Sheriff acting contrary to this Stat. or any former Stat. for Elections) to have Action of *Debt* against him, his Executors or Administrators, for 100*l.* with Costs, wherein no Wager of Law, &c. shall be allowed,

this

England. this Statute the Defendant shall not wage his Law of the Demand aforesaid in any wise. And that no Defendant in such Action shall have any Essoin.

And that in the same manner at any time that any Mayor and Bailiffs, or Bailiffs or Bailiff where no Mayor is, shall return others than those which be chosen, &c. shall forfeit and pay to every person hereafter chosen Citizen or Burgess to come to the Parliament, and not by the same Mayor and Bailiff, or Bailiff or Bailiffs where no Mayor is, returned, 40 l. whereof every of the Citizens and Burgesses so grieved severally shall have his Action of Debt against every of the said Mayor and Bailiffs, or Bailiffs or Bailiff where no Mayor is, or against their Executors, or Administrators, to demand and have of every of the said Mayors and Bailiffs, or Bailiffs or Bailiff where no Mayor is, 40 l. with his Costs in this case expended.

The like Action given against Mayor or Bailiffs their Executors or Administrators for 40 l. Debt and Costs, for returning others than such as are chosen Citizens & Burgesses by Citizens & Burgesses.

And

And that in such Action of Debt taken by force of this Statute, no Defendant in any wise shall wage his Law of the said Demand, nor have any Essoin.

Provided always, That every Knight, Citizen & Burgess to come to any Parliament hereafter to be holden, in due form chosen, and not returned as afore is said, that begin his Action of Debt aforesaid within three months after the same Parliament commenced, to proceed in the same Suit effectually, without fraud.

And if any Knight Citizen or Burgess hereafter returned by the Sheriff to come to the Parliament in the manner aforesaid, after such Return be by any person put out, and another put in his place, that such person so put in the place of him which is out, if he take upon him to be Knight, Citizen or Burgess at any Parliament in time to come, shall forfeit to the King 100 l. and 100 l. to the

Such Knight, Citizen and Burgess to commence the Action within 3 months after the commencement of such Parliam', and proceed therein without fraud.

In case of a Knight, Citizen, or Burgess returned and *put out*, 100 *l.* forfeited, to the King by any person put in his place, and serving as such. And a like Action against him, *&c.* for 100 *l.* Debt, & Costs

England. Knight, Citizen or Burgels so returned by the Sheriff, and after, as afore is said, put out. And that the Knight, Citizen or Burgels which is so put out shall have an Action of Debt of the same 100 l. against such person put in his place, his Executors or Administrators, provided always that he shall begin his Suit within 3 months after the Parliament commenced, &c. And that no Defendant in such Action shall wage his Law, nor be essoined. And that such Process shall be in the Actions aforesaid, as in a Writ of Trespass done against the Peace, at the Common Law.

given to the party grieved, to be commenced within 3 months after the commencement of such Parliamt. And like Proceſs as in Treſpaſs at Common Law.

So that the Knights of the Shires for the Parliament hereafter to be chosen shall be notable Knights of the same Counties for the which they shall be chosen, or otherwise such notable Esquires or Gentlemen born of the same Counties as shall be able to be Knights. And no man to be such Knight,

Provided that Knights of the Shires be Knights of the Counties they shall be elected for, or Esquires, or Gentlemen able to be Knights, and *not Yeomen* which

which standeth in the degree *or under.* of a Yeoman, or under.

Stat. 6 H. 8. *ch.* 16.

Enacted, &c. That from henceforth no Knights (of Shires) Citizens, Burgesses, and Barons (of Cinque-Ports) nor any of them that shall hereafter be elected to come or be in any Parliament, do not depart from the said Parliament, nor absent himself from the same, till the said Parliament be fully finished, ended or prorogued, except he or they so departing have Licence of the Speaker and Commons in the said Parliament assembled, and the same Licence be entred of Record in the Book of the Clerk of the Parliament appointed or to be appointed for the Commons House, &c.

Knights, Citizens, &c. not to depart or be absent from Parliament, without leave of the House of Commons, to be entred in the Journal.

Stat.

Stat. 27 H. 8. *ch.* 26.

Enacted, &c. That the two Knights to be chosen and elected to Parliament for the Shire of Monmouth (heretofore part of *Wales*) and the one Burgess for the Borough of Monmouth, shall have like Dignity, Preeminence and Privilege, as other Knights and Burgesses of the Parliament.

And that the Knight which shall be chosen, and elected to the Parliaments for the Shires of Brecknock, Radnor, Montgomery and Denbigh, and for every other Shire within the Country or Dominion of Wales, and for every other Borough being a Shire-Town within the said Country or Dominion of Wales shall have like Dignity, Preeminence, and Privilege, as other Knights of Parliament.

The two Knights to be elected for the County of *Monmouth*, and one Burgess for the Borough of *Monmouth* to have like Privilege, *&c.* as other Knights of Parliament.

The Knight for each County, and Burgess for each Shire-Town in *Wales*, to have like Privileges, *&c.*

Stat.

Stat. 34 & 35 H. 8. *ch.* 13. England.

Enacted, &c. That the two Knights to be elected for the County Palatine of Chester, & two Citizens, as Burgesses for the City of Chester, shall be Knights and Burgesses of the Court of Parliament, and have like Voice and Authority, to all intents and purposes, as any other the Knights and Burgesses of the said Court of Parliament have, use and enjoy, &c.

The two Knights for the County, and two Burgesses for the City of *Chester*, to have like Privileges, &c.

Stat. 25 C. 2. *ch.* 29.

Enacted, &c. That the two Knights to be elected for the County, and the two Citizens as Burgesses for the City of Durham (the Election of Knights of the Shire, to be by Majority of Freeholders, and the Burgesses by a Majority of the Mayor, Aldermen and Freemen present at such Election) shall be by Authority of this Act, Knights and Burgesses of

The two Knights to be elected for the County and two Burgesses for the City of *Durham*, by a majority of Freeholders, and a like majority of Mayor, Aldermen and

the

England.

High Court of Parliament, to all intents and purpoſes, and have, and uſe the like Voice, Authority and Places therein, to all intents and purpoſes, as any other the Knights and Burgeſſes of the ſaid High Court of Parliament, have, uſe and enjoy, and likewiſe ſhall, and may by vertue of this preſent Act take, have, uſe & enjoy all ſuchand the like Liberties, Advantages, Dignities and Privileges concerning the ſaid Court of Parliament, to all intents conſtructions and purpoſes, as any other the Knights and Burgeſſes of the ſaid High Court of Parliament have taken, had, uſed or enjoyed, or ſhall, may, or ought hereafter to have, take or enjoy.

Freemen preſent, to have like Priviledges, *&c.*

Stat. 5 Eliz. *ch.* 1.

Enacted, &c. That every Perſon which hereafter ſhall be elected or appointed a Knight, Citizen or Burgeſs,

Knights, Citizens, &c. before their ſitting in the

or

or Baron for any of the five Ports for any Parliament or Parliaments hereafter to be holden, shall from henceforth before he shall enter into the Parliament House, or have any Voice there, openly receive and pronounce the Oath (* expressed in the *Stat. 1 Eliz. ch. 1.* commonly called the Oath of Supremacy) before the Lord Steward (of the Queen's Household) for the time being, or his Deputy or Deputies for that time to be appointed, and that he which shall enter into the Parliament House without taking the said Oath, shall be deemed no Knight, Citizen, Burgess nor Baron for that Parliament, nor shall have any Voice, but shall be to all intents, constructions and purposes, as if he had never been returned, nor elected Knight, Citizen, Burgess or Baron for that Parliament, and shall suffer such Pains and Penalties, as if he had presumed to

England.

Parliament House, to take the Oath of Supremacy before the Lord Steward, or his Deputies, for the contrary to lose their Memberships, and incur such Penalties as if they had sate without Election, return, &c.

* *The Oath of Supremacy mentioned in this Act, is abrogated by the* Stat. 1 W. & M. ch. 1. *and a new one appointed, which see in the Appendix.*

sit

England. sit in the same without Election, Return or Authority.

Stat. 7 Jac. 1. *ch.* 6.

Enacted, &c. That all and every the Knights, Citizens, Burgesses and Barons of the five Ports of the Commons House of Parliament, at any Parliament or Session of Parliament hereafter, to be assembled before he, or they shall be permitted to enter into the said House, (shall make, take and receive * the Oath of Obedience mentioned in the Statute of 3 *Ja.* 1. ch. 4. commonly called *the Oath of Allegiance*) before the Lord Steward for the time being (of the King's Household) his Deputy or Deputies.

Knights, Citizens, &c. at any Parliament, or Sessions, to take the Oath of Allegiance before the Lord Steward, *&c.* 'ere they be permitted to sit.

* *The Oath of Allegiance mentioned in this Act, is abrogated by the Statute of* 1 W. & M. *ch.* 1. *and a new one appointed, which see in the Appendix.*

Stat. 30 Car. 2. *ch* 1.

Enacted, &c. That none which shall be a Member of the House of Commons shall vote in the House of Commons

Members of the House of Commons, shal not Vote or

mons or sit there during any Debate in the said House of Commons after their Speaker is chosen, until such Member shall from time to time, and in manner following, first take the several *Oaths of Allegiance and Supremacy, and make, subscribe, and audibly repeat the Declaration (in this Act contain'd, commonly called the *Test*, which see in the Appendix;) which said Oaths and Declaration shall be in this and every succeeding Parliament solemnly and publickly made and subscribed betwixt the hours of Nine in the morning and Four in the afternoon, by every such Member of the House of Commons at the Table in the middle of the said House, and whilst a full House of Commons is there duly sitting, with their Speaker in his Chair, and that the same be done in the House, in such-like order or method as the House is called over by.

sit there during any Debate after their Speaker chosen, until they have taken the *Oaths* of *Allegiance* and *Supremacy*, and subscribed the *Test*, between the hours of 9 and 4, in a full House. England.

* *These Oaths are abrogated by* Stat. 1 W. & M ch. 1. *and new ones appointed, which see in the Appendix.*

It

England. If any Member of the House of Commons shall presume to do any thing contrary to this Act, every Member so offending shall from thenceforth be deemed and adjudged a Popish Recusant Convict, to all intents and purposes whatsoever, and shall forfeit and suffer as a Popish Recusant Convict, and shall be disabled to hold or execute any Office or place of Profit or Trust, Civil or Military, in any of His Majesties Realms of England or Ireland, Dominion of Wales, or Town of Berwick upon Tweed, or in any of His Majesty's Realms Islands or Foreign Plantations to the said Realms belonging, and shall be disabled from thenceforth to sit or vote in Parliament, or to sue or use any Action, Will, Plaint, or Information in course of Law, or to prosecute any Suit in any Court of Equity, or to be Guardian of any Child, or Executor or Administrator of any

Members acting contrary to this Act shall be adjudged a Popish Recusants convict, & suffer as such, & be disabled to hold any Office or place of Profit or Trust in *England* or its Dominions, to sit or vote in Parliam. bring any Action or Information at Law, or Suit in Equity, be Guardian of any Child, Executor or Administrator of any person, or capable of any Legacy or Deed of Gift, & forfeit 500 *l.* for every Offence to any that will sue by Action of *Debt*, &c. where person,

person, or capable of any Le- where no Ejectment
gacy or Deed of Gift, and *foin*, &c. shall
shall forfeit for every wilful lie.
Offence against this Act the
Sum of 500*l.* to be recovered
ed or received by him or them
that will sue for the same,
and to be prosecuted by any
Action of Debt, Suit, Bill,
plaint, or Information in any
of His Majesty's Courts at
Westminster, where no Essoin,
soin, Protection, or Wager
of Law shall lie.

It shall be lawful to and
for the House of Commons, Members
as often as they shall see oc- oblig'd to take
casion, to order or cause all or the said Oaths
any of the Members of Par- and subscribe
liament openly in their House the *Test* in the
to take the said Oaths, and House as often
to make and subscribe the said as the House
Declaration, at such times, shall think fit,
and in such manner, as they and Members
shall appoint. And if any acting contra-
Member or Members of the ry, and presu-
House of Commons shall, ming to sit,
contrary to such Order made incapacitated
by their House, wilfully pre- during that
sume to sit therein, without Parliament.
taking the said Oaths, and
making and subscribing the

England. said Declaration, every such Member or Members of the House of Commons so presuming to sit, shall be adjudged, and is hereby declared to be uncapable and disabled in Law, to all intents and purposes whatsoever, to sit in the said House of Commons, or give any Voice therein during that Parliament.

And in every case where any Member or Members of the House of Commons shall by virtue of this Act be disabled to sit or vote in the House of Commons, then, and in every such case, without any further Conviction, or other proceedings against such Member or Members, the place or places for which they or any of them were elected, is hereby declared void, and a new Writ or Writs shall issue out of the High Court of Chancery, by Warrant or Warrants from the Speaker of the House of Commons for the time being, and by Order of the said House, for the Election of a new Member

Such Members Election declared void, and the Speaker by Order of the House impower'd to issue his Warrant for a new Election.

ber as Members to serve in the House of Commons in the place or places of such Member as Members so elected, to all intents and purposes as if such Members had been natural born Subjects.

During the taking the Oaths and subscribing the Test, all other Proceedings in Parliament to cease, and the Oath, Declaration and Subscription, with a Schedule of the Names of the persons taking and subscribing them, to be entred and filed in Parchment-Rolls provided by the Clerk of the House, and each Member to pay only 12 d. for every such Entry.

Stat. 1 W. & M. *ch.* 1.

Enacted, &c. That the Act made in the 30th year of Ch. 2. and all other Acts of Parliament, as to so much of the said Act or Acts only as concerns the taking the Oaths of Supremacy and Allegiance, or either of them, in the said Acts respectively

Members of the House of Commons qualified to sit and vote by taking the Oaths of Allegiance and Supremacy appointed by this men-

England. mentioned, by any Member or Members of the House of Commons with relation to their sitting and voting in Parliament, shall be, and are hereby repealed to all intents & purposes, any thing in the said recited Act or Acts to the contrary notwithstanding. In all future Parliaments the Oaths (in this Act mentioned (which see in the Appendix) and the Declaration in the Act made in the 30th year of K. Ch. 2. mentioned, (which also see in the Appendix) shall be taken, made, subscribed and repeated by every Member of the House of Commons, within the time, and in the same manner and form, and under the Penalties and Disabilities as the said Oaths of Allegiance and Supremacy, and the said Declaration by the said Act of the 3-th year of K. Ch. 2. are limited, ordained and appointed to be taken, made, subscribed, and repeated, and not at any other time, or in any other manner,

Act (*instead of the old ones, now repealed*) and by subscribing the *Test* according to the limitations, &c. of the preceding Statute 30 *Car.* 2.

manner, to enable them to sit and vote in Parliament, any thing in the said Act or Acts, or in any of them, to the contrary notwithstanding.

England

Stat. 1 W. & M. ch. 2.

[*The Claim of Right.*]

That Elections of *Members* of Parliament ought to be Free.

That the Freedom of Speech and Debates on Proceedings in Parliament ought not to be impeached or questioned in any Court or Place out of Parliament.

Enacted accordingly.

Stat. 5 & 6 W. & M *ch.* 7.

Enacted, &c. That no Member of the House of Commons shall at any time be concern'd directly or indirectly, or any other in trust for him, in the farming, collecting or managing any of the Duties, or other Aids that hereafter shall be granted by Act of Parliament,

Members of the House of Commons to be no ways concern'd in Duties or Aids to be granted by Parliament, except Commissioners of the

England. (except the Commissioners of the Treasury, and the Officers, and Commissioners for managing the Customs and Excise, not exceeding the present number in each Office and Commissioners of the Land Tax. Treasury, Customs, Excise, and Land Tax.

Stat. 5 & 6 W. & M. *ch.* 20.

Enacted, &c. That it shall and may be lawful, to, and for any Member or Members of the House of Commons to be a Member or Members of the Corporation (of the Governor and Company of the Bank of *England*,) No Collector, Supervisor, Gauger, or other Officer, or Person whatsoever concerned or imploied in the charging, collecting, levying or managing the Duties of Excise, or any Branch, or part thereof shall by Word, Message or Writing, or in any other manner endeavour to persuade any Elector to give, or dissuade any Elector from giving his Vote for the *Choice* Members of the House of Commons may be Members of the Bank.

of

England.

of any person to be a *Knight* of the Shire, *Citizen*, *Burgess* or *Baron* of any County, City, Borough, or Cinque-port, and every Officer, or other Person offending therein, shall forfeit the Sum of 100 *l.* one Moiety thereof to the Informer, the other Moiety to the Poor of the Parish where such offence shall be committed, to be recovered by any Person that shall Sue, for the same by Action of Debt, Bill, Plaint or Information in any of their Majesties Courts of Record at *Westminster*, in which no Essoin, Protection, Privilege, or more than one Imparlance shall be allowed, and every Person Convict on such Suit of the said Offence, shall be for ever incapacited to bear any Office, or Place of Trust under the Crown.

Stat. 7 W. 3. *ch.* 4.

Enacted, &c. That no Persons hereafter to be elected to serve in Parliament for any County, City, Town, Borough,

No Persons to be elected after the Teste of the Writ shall

England. Borough, Port or Place within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, after the Teste of the Writ of Summons to Parliament, or after the Teste, or the issuing out, or ordering of the Writ or Writs of Election upon the calling, or summoning of any Parliament hereafter, or after any such place becomes vacant, shall, or do hereafter by himself, or themselves, or by any any other ways or means on his or their behalf, or at his, or their charge, before his or their Election to serve in Parliament for any County, City, Town, Borough, Port or Place within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, directly or indirectly give, present or allow to any Person or Persons, having Voice or Vote in such Election, any Money, Meat, Drink, Entertainment or by themselves or any other ways at their charge before the Election give, promise or oblige themselves to give any thing to any Person, having a Vote in particular, or to any County or Place in in general, in order be elected.

Provi-

Provision, or make any Present, Gift, Reward or Entertainment, or shall at any time hereafter make any Promise, Agreement, Obligation or Engagement to give, or allow any Money, Meat, Drink, Provision, Present, Reward or Entertainment to, or for any such Person or Persons in particular, or to any such County, City, Town, Borough, Port or Place in General, or to, or for the use, advantage, benefit, imployment, profit or preferment of any such Person or Persons, Place or Places in order to be elected, or for being elected to serve in Parliament, for such County, City, Town, Borough, Port or Place.

And it is hereby further enacted and declared, that every Person or Persons so giving, presenting or allowing, making, promising or engaging doing, acting or proceeding, shall be, and hereby are declared, and enacted, to be disabled and incapacitated

Such Persons so giving, promising, &c. disabled to serve but declared to be as if never elected or returned.

England. citated upon such Election to serve in Parliament for such County, City, Town, Borough, Port or Place, and that such Person or Persons shall be deemed, and taken no Member in Parliament, and shall not act, sit or have any vote or place in Parliament, but shall be, and are hereby declared and enacted to be, to all intents, constructions and purposes, as if they had been never returned, or elected Members for the Parliament.

Stat. 7 & 8 W. 3. *ch.* 7. and continued by *Stat.* 12 & 13 W. 3. *ch.* 5.

Enacted, &c. That all false Returns wilfully made of any Knight of the Shire, Citizen, Burgess, Baron of the Cinque-ports, or other Member to serve in Parliament are against Law, and are hereby prohibited.

False Returns of Knights, Citizens, &c. illegal and prohibited.

The Party grieved (by any false return, and contrary

An Action given to any

to

to the last determination of the Right of Election of the House of Commons, which is also adjudg'd a False Return) (to wit) every person that shall be duly elected to serve in Parliament for any County, City, Borough, Cinque-Port, or place, by such false Return, may sue the Officers and persons making or procuring the same, or any of them, at his Election, in any of his Majesty's Courts of Record at Westminster, and shall recover double the Damage he shall sustain by reason thereof, together with his full Costs of such Suit.

Subjects sue against England.

Like Action given the elected against Officer, &c. falsly, &c. making Double Returns, and the Procurers of such Returns.

Any Officer that shall wilfully, falsly and maliciously return more persons than are required to be chosen by the Writ or Precept on which any Choice is made, the like Remedy may be had against him or them, and the party or parties that willingly procure the same, and every or any of them, by the party grieved at his Election.

All Contracts, Promises, Bonds and Securities whatsoever hereafter made or given to procure any Return of any Member to serve in Parliament, or any thing relating thereunto, be adjudged void; And that whoever makes or gives such Contract, Security, Promise or Bond, or any Gift or Reward to procure such False or Double Return, shall forfeit the Sum of

Contracts, Bonds, &c. given to procure the Return of any Members, adjudg'd void, and such (Members) as make or give them to procure any False or double Return, for-

300 l.

England. 300 l. One third part thereof to be to His Majesty, another third part thereof to the Poor of the County, City, Borough or place concerned, and one third part thereof to the Informer, with his Costs, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law shall be allowed, nor more than one Imparlance.

The Clerk of the Crown to keep a Book of Entry of every Single and Double Return, and of every Alteration and Amendment in every such Return, whereto all persons to have access, and take Copies of so much as desir'd at a reasonable Fee —— The parties prosecuting such Suit (Candidates) may give such Book, or a true Copy thereof, in Evidence, and have like Advantage as by producing the Record it self; And if the Clerk of the Crown makes not such Entry within six days after any Return, or alters any Return without Order of the House of Commons, or gives a Certificate of any person not returned, or wilfully neglects or omits his Duty herein, to forfeit 500 *l* for each Offence to the party grieved (Candidate) to be recovered as aforesaid, and lose his Office, and be for ever incapable of holding it.

Every Information or Action brought upon this Statute, shall be brought within the space of two

feit 300 *l*. One third to the King, another to the Poor of the County, City, *&c.* and a third to the Informer with his Costs, to be recovered by *Action of Debt, &c.* wherein no *Essoin*, &c. & but one *Imparlance* allowed.

Informations or Actions on this Stat. to be brought within

years

years after the cause of Action shall arise, and not after.

2 years after the Cause of Action. England.

Stat. 7 & 8 W. 3. ch. 25.

Enacted, &c. That upon every Election to be made of any Knight or Knights of the Shire (in case a Poll shall be required) the Sheriff or his Under-Sheriff shall appoint for each Candidate such one person as shall be nominated to him by each Candidate to be Inspectors of every Clerk who shall be appointed for taking the Poll; and every Freeholder, before he is admitted to poll at the same Election, shall, if required by the Candidates or any of them, first take the Oath (in this Act contained, which see in the Appendix.)

Candidates for Knights of the Shire may nominate persons to be Inspectors of every Clerk for making the Poll, and may require each Freeholder to be sworn before admitted to poll.

And if any person do unlawfully and corruptly procure or suborn any Freeholder or other person to take the said Oath in order to be polled, whereby he shall commit wilful and corrupt Perjury, and shall be thereof convicted, he for every such Offence shall incur the like Pains and Penalties as are in and by one Act of Parliament made in the 5th year of the Reign of the late Q. Elizabeth, &c. enacted against all such who shall, &c. suborn or procure any person to commit any unlawful and corrupt Perjury contrary to the said Act.

Any *Person procuring* a Freeholder or other to take the Oath for the Poll, whereby he commits *Perjury*, and convicted of such Subornation, for every Offence (*forfeits* 40 l. *and be incapacitated as a Witness till such Judgment be reversed; and for want of* 40 l. *to be imprisoned half a year and stand in the Pillory an hour, per Stat.* 5 *El. ch.* 9.)

The

England.

The said Sheriff, or in his absence his Under-Sheriff, or such as he shall depute, shall not adjourn the County-Court from the place of Election to any other Town or place within the same County without the consent of the Candidates, but shall duly and orderly proceed to take the Poll from day to day, and time to time, without any further or other Adjournment, without the consent of the Candidates.

Every Sheriff, Under-Sheriff, Mayor, Bailiff, and other Officer to whom the Execution of any Writ or Precept shall belong for the electing Members to serve in Parliament, shall forthwith deliver to each person or persons as shall desire the same, a Copy of the Poll taken at such Election, paying only a reasonable Charge for writing the same; And every Sheriff, Under-Sheriff, Mayor, Bailiff, and other Officer to whom the Execution of any Writ or Precept for electing Members to serve in Parliament doth belong, for every wilful Offence contrary to this Act shall forfeit to every party so agrieved the Sum of 500 l. to be recovered by him or them, his or their Executors or Administrators, together with full Costs of Suit, and for which he or they may sue by Action of Debt, Bill, Plaint, or Information in any of His Majesty's

Without the Candidates consent, the County-Court not to be adjourned from the place of Election, nor the Poll discontinued.

Any Person may demand a Copy of any Poll, which Sheriffs, Mayors, &c. are required to deliver, paying reasonably for writing it.

To each Party grieved, Mayors, Sheriffs, &c. for every wilful Offence contrary to this Act, forfeit 500 *l.* to be recover'd by such party, his Executors or Administrators, with full Costs, by *Action of Debt*, &c. wherein no *Essoin*, &c. to be allowed.

Courts

Courts at Westminster, wherein no Essoin, Protection, Wager of Law, Priviledge, or Imparlance, shall be admitted or allowed.

No person hereafter shall be capable of being elected a Member to serve in Parliament, who is not of the age of 21 years, and every Election or Return of any person under that age is hereby declared to be null and void. And if any such Minor hereafter chosen shall presume to sit or vote in Parliament, he shall incur such Penalties and Forfeitures as if he had presumed to sit and vote in Parliament without being chosen or returned.

The Sheriff of the County of Southampton, or his Deputy, at the request of one or more of the Candidates, for Election of a Knight or Knights of that County, shall adjourn the Poll from Winchester, after every Freeholder then and there present hath polled, to Newport in the Isle of Wight, for the ease of the Inhabitants of the said Island, any thing in this Act contained to the contrary notwithstanding.

England.

None shall be elected under the age of 21 years.

The Choice of *any elected* under that age declar'd void; and such Minor sitting, *&c.* in Parliam. shall incur like Penalties as if sitting, *&c.* unchosen or returned.

Candidates for the County of *Southampton* may demand of the Sheriff, after the end of the Poll at *Winchester*, an Adjournment to *Newport* in the *Isle of Wight*.

Stat. 7 & 8 W. 3. *ch.* 27.

No person which shall refuse to take the Oaths (of Allegiance and Supremacy, which see in the Appendix) directed by an Act made in the first year of the Reign of his present Majesty and the late Mu-

Candidates may require the Sheriff or Chief Officer on the Poll, at any Election, to admi-

Mary,

England. Mary, or being Quakers, shall refuse to subscribe the Declaration of Fidelity directed by one other Act of Parliament made in the said first year of the Reign of his present Majesty and the late Queen, (which see also in the Appendix), (to be administred on the Poll by the Sheriff or Chief Officer at any Election), at the request of any one of the Candidates, shall be admitted to give any Vote for the Election of any Knight of the Shire, Citizen, Burgess, or Baron of the Cinque-Ports, to serve in Parliament.

nister the Oaths of Allegiance & Supremacy to Electors, (and if *Quakers*, the Declaration of Fidelity) and on refusal, not to admit them to vote.

Stat. 11 & 12 W. 3. *ch.* 2.

Enacted &c. That if any Member of the House of Commons, during the time of his being a Member of Parliament, by his Deputy, or any other in Trust for him or his benefit, take, enjoy, or execute any Office, Place, or Imployment touching or concerning the Farming, Managing, or Collecting the Duty of Excise, or determining Appeals concerning the said Duty, or Comptrolling or Auditing the Accounts of the same, such person is hereby declared and enacted to be absolutely uncapable of sitting voting, or acting as a Member of the House of Commons in such Parliament.

Members of the H. of Commons while such by themselves, Deputies, or Trustees, taking or executing any Office in the Excise, or Appeals thereof, declar'd incapable of sitting, *&c.*

Stat.

England.

Statute 12 & 13 *W.* 3. *ch.* 2.

The Act for the Limitation of the Crown to the Houſe of Hanover.

Enacted, *&c. After the Limitation of* the Crown to the Princeſs *Sophia* of *Hanover*, (by this Act ſhall take effect) No Perſon Born out of the Kingdoms of *England*, *Scotland* or *Ireland*, or the Dominions thereunto belonging, (altho' he be Naturaliz'd or made a *Denizen*; except ſuch as are Born of *Engliſh* Parents) ſhall be capable *to be a Member of the Houſe* of Commons.

Statute 12 & 13 *W.* 3. *ch.* 10.

Enacted, &c. That Members of the Houſe no Member of the Houſe of Commons incapa- of Commons ſhall be cited from being capable of being a Com- Commiſſioners or Farmiſſioner or Farmer of mers of the Cuſtoms, the Cuſtoms, or of or to hold in their holding or enjoying in own or others Names, his own Name, or in or by others in truſt,

England

the Name of any other Person in Trust for him or for his Use, or Benefit, or of executing by himself or his Deputy, any Office, Place, or Employment touching or concerning the Farming, collecting, or Managing the Customs.

or execute by Deputies any Office in the Customs.

If any Member of the House of Commons shall, during the time of his being a Member of Parliament, by himself, or his Deputy, or any other in Trust for him, or for his Benefit, take, enjoy, or execute any Office, Place or Employment, touching or concerning the Farming, Managing, or Collecting the Customs, such Person is hereby declared and enacted to be absolutely incapable of Sitting, Voting, or Acting as a Member of the House in such Parliament.

Members while such so taking or executing any such Office, declared incapable of Sitting, &c.

No

England.

No Commissioner, Collector, Comptroller, Searcher, or other Officer, or Person concern'd or imploy'd in the charging, collecting, levying, or managing the Customs, or any Branch or part thereof, shall, by Word, Message or Writing, or in any other manner endeavour to persuade any Elector to give, or dissuade any Elector from giving his Vote for the choice of any Person to be a Knight of the Shire, Citizen Burgess or Baron *of any County, City, Burrough or Cinque Port, and every Officer or other Person offending therein, shall forfeit the Sum of one hundred Pounds, one Moiety to the Informer, the other Moiety to the poor of the Parish where such Offence shall be Committed, to be recovered by any Person that shall Sue for the same, by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record at* Westminster. *In which no Essoign Protection, or Wager of Law, or more than one Imparlance shall be allowed; and every Person Convict on any such*

England.

Suit, shall be incapable ever to bear any Office or place of Trust under the Crown.

Statute 13 & 14 *W.* 3. *ch.* 6.

Members of the House of Commons not to Vote or Sit there during any Debate, after their Speaker Chosen, until they have taken and Subscribed the Abjuration between 9 & 4, in a full House.

Enacted, &c. That none which shall be a Member of the House of Commons, shall Vote in the House of Commons, or sit there during any Debate in the said House of Commons, after their Speaker is Chosen, until such Member shall, from time to time take the Oath (mentioned in this Act, commonly called the Abjuration, alter'd by Statute 1 Annæ, ch. 22. again by Stat. 4 & 5 Annæ, ch. 8. again by Stat. 6 Annæ, ch. 7. which last see in the Appendix) and Subscribe the same in manner following; (that is to say) the said Oath shall be in this

and

and every other succeeding Parliament, solemnly and publickly made and Subscribed between the Hours of Nine in the Morning, and Four in the Afternoon, by every such Member of the House of Commons, at the Table, in the middle of the said House, and whilst a full House of Commons is there, duly Sitting, with their Speaker in his Chair.

If any Member of the House of Commons shall presume to Vote, &c. the said Oath, not having taken the said Oath, and Subscribed the same as afore-said, every such Member so offending shall, from thence be deemed a Popish Recusant, convict to all intents and purposes whatsoever, and shall forfeit and suffer as a Popish Recusant con-

Members Voting, not having so taken, adjudged Popish Recusants convict, and forfeit as such, and disabled to hold any Office or place of Profit or Trust in *England* or its Dominions, to sit or Vote in Parliament, bring any Action or Information at Law, or Suit in Equity, be Guardian of

England. vick, and shall be disabled to hold or execute any Office or place of Profit or Trust, Civil or Military, in any of His Majesties Realms of England, or Ireland, Dominion of Wales, or Town of Berwick upon Tweed, or in any of His Majesties Islands or Foreign Plantations to the said Realms belonging, and shall be disabled from thenceforth to sit or Vote in Parliament, or to Sue or use any Action, Bill, Plaint or Information in course of Law, or to Prosecute any Suit in any Court of Equity, or to be Guardian of any Child, or Executor, or Administrator of any Person, or capable of any Legacy or Deed of Gift, and shall forfeit for every wilful Offence against this Act the Sum of 500 l. to any Child, Executor or Administrator of any Person, or capable of any Legacy or Deed of Gift, and to forfeit 500 l. to any that will Sue by Action of Debt, &c. where no Essoign, &c. shall lye.

be

be recovered and received by him or them that shall sue for the same, and to be Prosecuted by any Action of Debt, Suit, Bill, Plaint or Information, in any of Her Majesties Courts at Westminster, wherein no Essoign Protection or Wager of Law shall lye.

Statute 2 & 3 *Anne*, ch. 4.

Enacted, &c. That no Register (for the Registering Memorials of Deeds, Conveyances and Wills) within the West-riding, in the County of *York*, or his Deputy for the time being, be capable of being Chosen a Member to serve in Parliament.

The Register for the *West-riding* of *Yorkshire*, or his Deputy, incapacitated to be Chosen a Member of Parliament.

Stat. 4 & 5 Annæ. *ch.* 8.

Enacted, &c. That no Person, who shall have in his own Name, or in the Name of any Person or Persons in Trust for him or for his Benefit, any New Office or place of Profit whatsoever, under the Crown, which at any time hereafter shall be created or erected, nor any Person who shall be a Commissioner or Sub-Commissioner of the Prizes, Secretary or Receiver of the Prizes, nor any Comptroler of the Accounts of the Army, nor any Commissioner of Transports, nor any Commissioner of the Sick and Wounded, nor any Agent to any Regiment, nor any Commissioner for Wine Licences, nor any Gover-

No Candidate, who shall have in his own Name or in Trust for him or his Benefit, any New Office or Place of Profit hereafter to be created, or be a Commissioner or Sub-Commissioner, Secretary or Receiver of Prizes, Commissioner of the Armies Accounts, Commissioner of the Sick and Wounded, Agent for any Regiment, Commissioner for Wine Licences, Governour or Deputy-Governour of any of the Plantations, Commissioner in any Out-port, or have a Pension from the Crown during Pleasure, shall be capable of being elected or sitting, &c. as a Member.

nour

England.

nour, nor Deputy-Governour of any of the Plantations, nor any Commissioner of the Navy employed in any of the Out-ports, nor any Person having any Pension from the Crown during Pleasure, shall be capable of being Elected, or of Sitting or Voting as a Member of the House of Commons in any Parliament which shall be hereafter summoned and holden.

If any Person being chosen a Member of the House of Commons shall accept of any Office or Profit from the Crown during such time as he shall continue a Member, his Election shall be, and is hereby declared to be void, and a new Writ shall issue for a new Election, as if such Person so accepting was naturally Dead. Nevertheless

Members chosen accepting any Office of Profit from the Crown, while they continue Members, their Election void, and a new Writ to Issue, but capable of being again Elected.

England. vertheleſs ſuch Perſon ſhall be capable of being again Elected, as if his place had not become void as aforeſaid.

No greater number of Commiſſioners ſhall be made for the Execution of any Office than have been employed in the Execution of any ſuch from the firſt day of the Seſſion.

Nothing herein contained ſhall extend, or be conſtrued to extend, to any Member of the Houſe of Commons being an Officer in Her Majeſty's Navy or Army, who ſhall receive any new or other Commiſſion in the Navy, or Army reſpectively.

Members being Officers in the Navy or Army, receiving any New Commiſſion in either, not incapacitated.

If any Perſon hereby diſabled or declared to be incapable to ſit or Vote in any Parliament hereafter to be holden, ſhall nevertheleſs be returned as a

Members hereby incapacitated, if returned, their Election void, and preſuming to Sit and Vote forfeit 500 l. to any that will Sue by Action of

Member

Member to serve for any County, City, Town, or Cinque-port in any such Parliament, such Election and Return are hereby enacted and declared to be void to all Intents and Purposes whatsoever, and if any Person disabled or declared incapable by this Act to be Elected, shall presume to Sit or Vote as a Member of the House of Commons in any Parliament to be hereafter summoned, such Person so Sitting or Voting, shall forfeit the Sum of 500*l.* to be recovered by such Person as shall sue for the same by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed, and only one Imparlance. Debt, &c. wherein no Essoin, &c. and but one Imparlance to be allowed. England.

Stat.

Great Britain.

Stat. 5 Annæ *ch.* 8.

(The Union Act.)

Forty Five ſhall be the Number of the *Repreſentatives* of *Scotland* in the Houſe of Commons of the Parliament of *Great Britain*.

Every *Members of the Houſe of Commons* of the Parliament of *Great Britain* (until the Parliament of *Great Britain* ſhall otherwiſe direct) ſhall take the reſpective Oaths appointed to be taken inſtead of the Oaths of *Allegiance* and *Supremacy* by an Act of Parliament made in *England* in the Firſt Year of the Reign of the late King *William* and Queen *Mary* (*The New Oaths of* Allegiance *and* Supremacy, *which ſee in the* Appendix.) And make, Subſcribe, and Audibly repeat the Declaration mentioned in an Act of Parliament made in *England* in the Thirtieth Year of the Reign of King *Charles*

Charles the Second (*The* Teſt, *which ſee alſo in the* Appendix) and ſhall take and ſubſcribe the Oath mentioned in an Act of Parliament made in *England* in the Firſt Year of Her Majeſty's Reign (*The* Abjuration *which ſee alſo in the* Appendix.) At ſuch time and in ſuch manner as the Members of both Houſes of Parliament of *England* are by the ſaid reſpective Acts directed to take, make, and ſubſcribe the ſame upon the Penalties and Diſabilities in the ſaid reſpective Acts contained: And it is Declared and Agreed, that theſe Words (*This Realm*, *The Crown of this Realm*, *and the Queen of this Realm*) mentioned in the Oaths and Declaration contained in the aforeſaid Acts, which were intended to ſignifie the Crown and Realm of *England* ſhall be underſtood of the Crown and Realm of *Great Britain*, and that in that Sence the ſaid Oaths and Declaration be taken and ſubſcribed by the Members of the Parliament of *Great Britain*. Enacted accordingly. Great Britain.

None

Great Britain.

None shall be capable to be Elected (a Representative for any Shire or Borough of *Scotland*) but such as are Twenty One Years of Age complete, and Protestant, excluding all Papists, or such who being suspect of Popery, refuse to Swear and Subscribe the Formula contained in the Third Act made in the 8th and 9th Sessions of King William's Parliament (in *Scotland*, which see in the Appendix) Nor shall be capable to be elected to Represent a Shire or Burgh in the Parliament of Great Britain (for *Scotland*) except such as (were at the time of passing this Act) capable by the Laws of (*Scotland*) to be elected as Commissioners for

None capable to be Elected for any Shire or Borough of *Scotland* under 21 Years, nor unless a Protestant, Papists and such as refuse the *Formula* Excluded.

Like Incapacity on Candidacts, not at this time capable by the Laws of *Scotland*.

as

Shires or Boroughs to the Parliament of Scotland.

Great Britain.

Enacted accordingly.

Stat. 6 Annæ *ch.* 7.

A like Clause for incapacitating Persons to be Elected &c. Members *of Parliament, and likewise for incapacitating* Members *of Parliament, with like Restrictions, Exceptions, and Penalties (throughout the* United Kingdom*) as are contained in the* Statute 4 *&* 5 *Anne, ch.* 8. *relating to* Candidates *and* Members *for the Parliament of* England.

And further Enacted, That every Person disabled to be Elected, or to sit, or Vote in the House of Commons of any Parliament of England shall be disabled to be Elected, or to sit, or Vote

Candidates disabled &c. to be Electors to sit, &c. in the Parliament of England, under like disabilities, as to any Parliament of *Great Britain.*

to

Great Britain. in the House of Commons of any Parliament of Great Britain.

Except the present Commissioners for disposing the Equivalent by the present or any other Commission.

Stat. 6 *Annæ, ch.* 23.

Enacted, &c. That every person who shall refuse to take the Oath of Abjuration, (which see in the Appendix) or being a Quaker, shall refuse to declare the Effect thereof upon his Solemn Affirmation, as directed by an Act of Parliament made in the Seventh Year of the Reign of his late Majesty King William, (the Form whereof see also in the Appendix) to be Administred by the Sheriff, President of the Meeting, or chief Officer, taking

Candidates or others may require the Sheriff, President of the meeting, &c. on the Poll at any Election of Members of Parliament in *Great Britain*, or of Commissioners for chooſing Burgesses in *Scotland* to administer the Abjuration upon Oath (or upon Affirmation to Quakers) and Electors refusing it, incapable to Vote.

the

Great Britain.

the Poll at any Election of Members, to serve in the House of Commons for any place in Great Britain, or Commissioners for choosing Burgesses for any place in Scotland, at the request of any Candidate or other person present, shall not be capable of giving any Vote for any Election of any such Member to serve in the House of Commons for any place in Great Britain, or Commissioner to choose a Burgess for any place in Scotland.

Stat. 6. Annæ, ch. 35.

Enacted, That no Register (for the Registring Memorials of Deeds, Conveyances, Wills, &c. within the *East riding* of the County of *York*, or the Town and County of

The Register for the *Eastriding* of *Yorkshire*, or Town, &c. of *Hull*, his Deputy incapacitated to be Chosen a Member of Parliament.

G Kingston

Great Britain. Kingston upon Hull, or his Deputy for the time being, be capable of being Chosen a Member to serve in Parliament.

Of the OFFICERS *Returning*, &c.

Stat. 5 R. 2. *ch.* 4.

England. The King doth Will and Command, and it is assented in the Parliament by the Prelates Lords and Commons, that if any Sheriff of the Realm, be from henceforth negligent in making his Returns of Writs of Parliament, or that he leave out of the said Returns any Cities or Boroughs which be bound, and of old Time were wont to come to the Parliament, he shall be Amerced, or otherwise punished in the manner.

Sheriffs neglecting to make Returns, or leaving out the Returns of Cities or Boroughs, shall be Amerced, or otherwise punished, as in old Times accustomed.

as

as was accustomed to be done in the said Case in times past.

Stat. 7 H. 4. *ch.* 15.

Proclamation to be made at the next County-Court after the delivery of the Writ to the Sheriff for the Election of Knights of the Shires.

Ordained, &c. That from henceforth (in order to the Elections of Knights of Counties for the Parliament) at the next County to be holden after the Delivery of the Writ of the Parliament, Proclamation shall be made in the full County of the Day and Place of the Parliament, and that all they that be there present, as well Suitors duly summoned for the same Cause as other shall attend to the Election of the Knights for the Parliament, and then in the full County they shall proceed to the Election freely and indifferently, notwithstanding any request or

England. Commandment to the contrary.

And after that they be chosen the Names of the Persons so chosen (be they present or absent.) shall be written in an Indenture under the Seals of all them that did choose them, and tacked to the same Writ of the Parliament, which Indenture so Sealed and Tacked, shall be holden for the Sheriff's Return of the said Writ touching the Knights of the Shires.

In Writs of Parliament hereafter to be made, this Clause shall be put; *Et Electionem tuam in pleno Comitatu factam sub sigillo tuo & sigillis eorum qui electioni illi interfuerant nobis in Cancellaria nra' ad diem & locum in brevi contentu' certifices indilate.*

Sheriff's Return after the Election shall be by Indenture (containing the names of the Persons Chosen) Sealed by the Electors, and annexed to the Writ.

For

England.

Stat. 11 H. 4. *ch.* 1.

Forasmuch as in the Statute (7 H. 4. ch. 15.) no Penalty was Ordained or limited in Special upon the Sheriffs of the County, if they make any returns contrary of the same Statute, It is Ordained that the Justices assigned to take Assizes, shall have power to Inquire at their Sessions of Assizes of such returns made; and if it be found by Inquest and due Examination before the same Justices that any such Sheriff hath made, or hereafter make any return contrary to the Tenor of the said Statute, that then the same Sheriff shall incur the Penalty of 100 *l.* to be paid to our Lord the King.

Of returns made by Sheriffs, contrary to the Statute. 7 H. 4. ch. 15.

Justices of Assize impower'd to inquire and on Inquest and Proof made thereof such Sheriffs to pay 100 *l.* to the King.

Stat. 6. Hen. 6. *ch.* 4.

Ordained, &c. That all Sheriffs shall have their Answer and Traverse to Inquests and Offices, before any Justices of Assizes hereafter, to be taken, (upon the Stat. 7 Hen. 4. chapter 15. and 11 Hen. 4. ch. 1.) and the said Sheriffs shall not be endamaged unto our Lord the King, or his Successors, for any such Inquest taken, or to be taken, until they be duly Convict according to the form of Law.

Sheriffs shall have their Traverses to Inquests, &c. Upon the Statue 7 Hen. 4. ch. 15. & 11 Hen. 4. ch. 1.

Stat. 8. Hen. 6. *ch.* 7.

Provided, &c. That such to be Chosen Knights of the Shire as have the greatest number of them that may expend 40 s. by the Year.

Sheriffs to return such as have the Majority of those that can expend 40 s. a Year, Knights of the Shire by Indentures

Year and above, shall be returned by the Sheriffs of every County, Knights for Parliament, by Indentures Sealed betwixt the said Sheriffs and the said Electors to be made.

betwixt themselves and the Electors.

And every Sheriff of the Realm of England shall have power to examine upon the Evangelists every such Elector, how much he expend by the Year.

The Sheriffs impower'd to examine each Elector upon Oath how much he can expend a Year.

And if any Sheriff return Knights to come to the Parliament, contrary to the said Ordinance, the Justices of Assizes in their Sessions of Assizes, shall have power thereof to inquire.

Of Sheriffs returns contrary to this Act. Justices of Assizes are impower'd to inquire

And if by Inquest the same be found before the Justices, and the Sheriff thereof be duly attainted, that then the said Sheriff shall incur the penalty of 100 l. to be paid to our

If found by Inquests, and the Sheriff thereof attainted, he shall pay 100 l. to the King, and be Impri-

England. Lord the King, and also that he have Imprisonment by a Year without being let to Mainprize or Bail.

soned a Year without Bail.

And that in every Writ hereafter to go forth, mention shall be made of this Ordinance.

Stat. 23. Hen. 6. *ch.* 15.

Ordained, &c. That every Sheriff, after the delivery of any Writ (of Election) to him made, shall make and deliver without fraud, a sufficient Precept under his Seal to every Mayor and Bayliff, or to Bayliffs or Fayliff where no Mayor is, of the Cities and Burroughs within his County, reciting the said Writ, Commanding them by his Precept, if it be by a City, to Choose by Citizens of the same City, Citizens,

Sheriff after the receipt of a Writ of Election, to deliver a Precept under his Seal, to every Mayor, Bayliff, &c. of the Cities and Burroughs within his County, reciting his Writ, and commanding them by Citizens and Burgesses, to Choose Citizens and Burgesses,

tizens, and in the same manner and form, if it be a Burrough, by the Burgesses of the same, to come to the Parliament.

And that the same Mayor and Bayliffs, or Bayliffs, or Bayliff, where no Mayor is, shall return lawfully the Precept to the same Sheriff, by Indentures betwixt the same Sheriff and them, to be made of the said Elections, and of the names of the said Citizens and Burgesses by them so Chosen, and thereupon every Sheriff shall make a good and rightful return of every such Writ; and of every return by the Mayors and Bayliffs, or Bayliffs or Bayliff, where no Mayor is, to him made.

Mayors, Bayliffs, &c. To return the Precept to the Sheriffs by Indentures of the Election, and the names of the Elected made betwixt them.

Sheriffs thereupon to return the Writ, and every return made by such Mayors Bayliffs, &c.

And

England.

And that every Sheriff, at every time that he doth contrary to this Statute, or any other Statutes for the Election of Knights, Citizens and Burgesses to come to the Parliament, before this time made, shall incur the pain contained in the Statute, made the 8th Year (of the now Kings Reign) and moreover shall forfeit and pay to every person hereafter Chosen Knight, Citizen or Burgess in his County to come to any Parliament, and not duly returned, or to any other Person which in default of such Knight, Citizen or Burgess will Sue, an Hundred Pound, whereof every Knight, Citizen and Burgess so grieved, severally, or any other Person which in their default will

Sheriffs Acting contrary to this Statute, or any other Statute for Elections, to pay 100 l. to the King, and suffer 2 years Imprisonment, without Bail, (per Stat. 8 Hen. 6. ch. 7.) and forfeit to every person Chosen, a Knight, Citizen or Burgess and not duly returned, or to any other which in their default will Sue, 100 l. to be recovered by Action of Debt against the Sheriff, his Executors, or Administrators, with Costs, wherein no Wager of Law, &c. to be allowed.

Sue,

Sue, shall have his Action of Debt against the said Sheriff or his Executors, or Administrators, to demand and have the said 100 l. with his Costs spent in that Case; and that in such Action taken by virtue of this Statute, the Defendant shall not Wage his Law of the demand aforesaid in any wise -- And that no Defendant in such Action shall have any Essoign.

And in the same manner at every time that any Mayor and Bayliffs or Bayliffs, or Bayliff, where no Mayor is, shall return other than those which be Chosen by the Citizens and Burgesses of the Cities or Burroughs where such Elections be, or shall be made, shall incur and forfeit to the King 40 l. and moreover shall forfeit and pay to every

Mayors, Bayliffs, &c. Returning other than those Chosen by Citizens and Burgesses, shall forfeit 40 l. to the King, and to every Person Chosen a Citizen or Burgess, and not by them returned, or to any other that in default of such Citizen or Burgess will Sue 40 l. (*more*) to be recovered by like Action of Debt, with Costs.

person

England. person hereafter Chosen Citizen or Burgels to come to the Parliament, and not by the same Mayor and Bayliff, or Bayliff or Bayliffs where no Mayor is, returned, or to any other person, which in default of such Citizen or Burgels so Chosen will Sue, 40 l. whereof every of the Citizens and Burgesses so grieved severally, or any other Person which in their default will sue, shall have his Action of Debt against every of the said Mayor and Bayliffs, or Bayliffs or Bayliff where no Mayor is, against their Executors or Administrators, to demand and have of every of the said Mayors and Bayliffs, or Bayliffs or Bayliff where no Mayor is, 40 l. with his Costs in this Case expended.

And

England.

And that in such Action of Debt taken, by force of this Statute no Defendant in any wise shall Wage his Law of the said Demand, nor have any Essoign.

And that every Sheriff that maketh no due Election of Knights to come to the Parliament in Convenient time, (that is to say) every Sheriff in his full County, betwixt the Hour of Eight, and the Hour of Eleven before Noon, without Collusion in this behalf.

And that every Sheriff that maketh not good and true return of such Elections of Knights to come to the Parliament, in time to come, as to them pertaineth, in manner and form aforesaid, shall forfeit to the King an Hundred Pound, and also shall incur the pain of 100 l. to be paid to him

Sheriff not making Election of Knights of the Shire in a full County Court between 8 and 11 in the Morning, and a good return accordingly, to forfeit 100 l. to the King, and 100 l. more to him that will Sue, to be recovered by like Action of Debt, with Costs.

England. him that will sue against him, his Executors or Administrators, for this Cause, by way of Action of Debt, with his Costs in this behalf expended, without Waging of Law of his Demand, or having Essoign as afore is said.

Such Actions to be brought by such Kt. Citizen and Burgess within 3 Months after the commencement of such Parliament, and to be proceeded in without fraud.

Provided always, That every Knight, Citizen and Burgess to come to any Parliament hereafter, to be holden in due form, Chosen, and not returned as aforesaid, is said, shall begin his Action of Debt afore, within three Months after the same Parliament commenced, to proceed in the same suit effectually without fraud. And if he doth not so, another that will sue shall have the said Action of Debt, (as it is beforesaid) and shall recover the same with his Costs spent in this

And after that time by any other.

behalf,

behalf, in manner and form aforesaid, so that no Defendant in such Action shall Wage his Law, nor be Essoign'd in any wise, as afore is said. And that such Process shall be in the Actions aforesaid, as in a Writ of Trespass done against the Peace at the Common-Law.

So that the Knights of the Shires for the Parliament hereafter to be Chosen, shall be notable Knights of the same Counties for which they shall be Chosen, or otherwise such notable Esquires or Gentlemen, (after Born) of the same Counties, as shall be able to be Knights; and no Man to be such Knight which standeth in the degree of a Yeoman and under.

Like Process to be in such Actions as in Trespass at Common Law.

Provided, That Knights of the Shires be Knights of the Counties they shall be Elected for, or Esq; or Gentlemen, able to be Knights, and not Yeomen or under.

Stat.

Stat. 27 H. 8. *ch.* 26.

Enacted, &c. That Elections shall be made for the Sheriffs and Boroughs in *Monmouth-Shire* (*heretofore part of* Wales) and in *Wales*, in like Manner, Form and Order as Knights and Burgesses of the Parliament be elected and chosen in other Shires of this Realm.

Duties of Sheriffs *and other returning Officers* in *Wales*, like the same in *England*.

Stat. 34 & 35 H. 8. *ch.* 13.

Enacted, &c. That the County Palatine of Chester shall have two Knights for the said County Palatine, and likewise two Citizens to be Burgesses for the City of Chester, to be elected and chosen by Process to be awarded by the Chancellor of England unto the Cham-

Writ of Election under the Great Seal for Elections in *Chester*, to be directed to the Chamberlain, &c. of *Chester*, and his Precept thereon to the Sheriff of the County.

berlain

berlain of Chester, his Lieutenant or Deputy for the time being, and so like Process to be made by the Chamberlain, his Lieutenant or Deputy, to the Sheriff of the said County of Chester, and the same Election to be made in like Manner and Form to all Intents, Constructions and Purposes, as is used within the County palatine of Lancaster or any other County and City within this Realm of England, which said Knights and Burgesses and every of them so elected and chosen, shall be Returned by the said Sheriff into the Chancery of England in due Form, and upon like pains as it is Ordained that the Sheriff or Sheriffs of any other County should make their Return in case like.

Sheriff *of Chester* to make like *Returns*, and on like Pains as other Sheriff.

Stat. 35 H. 8. *ch.* 11.

Enacted, &c. That the Burgeſſes of all and every Cities Boroughs and Towns (in the twelve Shires within *Wales* and County of *Monmouth* not finding Burgeſſes for the Parliament themſelves and contributary to Wages of Burgeſſes of ſuch Shire Towns) ſhall be lawfully admoniſhed by Proclamation or otherwiſe, by the Mayors, Bayliffs, and other Head Officers of the ſaid Towns, or by one of them, to come and give their Elections for the electing the ſaid Burgeſſes at ſuch time and place lawful and reaſonable, as ſhall be aſſigned for the ſame Intent by the ſaid Mayors, Bayliffs, and other Head Officers of the Mayors, Bayliffs, &c. of the twelve Shire Towns in *Wales* and of *Monmouth Shire*, ſhall Summon the Burgeſſes as well of all other Cities, Boroughs and Towns in thoſe Counties as of Burgeſſes of thoſe Towns themſelves, to come to Elections.

ſaid

said Shire Towns, or by one of them.

England.

Stat. 25 Car. 2. *ch.* 9.

Enacted, &c. That the County Palatine of Durham may have two Knights for the same County, and the City of Durham two Citizens to be Burgesses for the same City for ever hereafter to serve in the High Court of Parliament, to be elected and chosen by Writ to be awarded by the Lord Chancellor or Lord Keeper of the Great Seal of England for the time being in that behalf to the Lord Bishop of Durham, or his Temporal Chancellor of the said County of Durham, and a Precept to be thereupon grounded and made by the Lord Bishop of Durham or his Temporal

Writ of Election under the Great Seal, for Elections in *Durham*, to be directed to the *Bishop* of *Durham*, &c. and his Precept thereon to the Sheriff of that County.

England. Chancellor for the time being to the Sheriff of the said County for the time being, and the same Election from time to time to be made in manner and form following (that is to say) the Elections of the Knights to serve for the said County Palatine from time to time to be made by the greater number of the Freeholders of the said County Palatine of Durham, which from time to time shall be present at such Elections, accordingly as is used in other Counties of this Kingdom, and that the Election of the said Burgesses from time to time to serve in the High Court of Parliament for the City of Durham to be made from time to time by the major part of the Mayor, Aldermen, and Freemen of the said City of Durham,

ham, which from time to time shall be present at such Elections, which said Knights and Burgesses, and every of them so Elected or Chosen, shall be returned by the said Sheriff into the Chancery of England in due form, and upon the like pains as be Ordained for the Sheriff or Sheriffs of any other County of this Kingdom to make his or their Returns in like Cases.

Sheriff of *Durham* to make like Returns, and under like pains, as other *Sheriffs*.

Stat. 7 & 8 W. 3. *ch.* 7. Continued by *Stat.* 12 & 13. W. 3. *ch.* 5.

Enacted, &c. That all false Returns wilfully made of any Knight of the Shire, Citizen, Burgess, Baron of the Cinque Ports, or other Members to serve in Parliament are against Law, and are hereby prohibited, and

False Returns, illegal and prohibited, and all made contrary to the last Determination of the Right of Election in the House of Commons adjudged a false Return.

England. in case that any Person or Persons shall Return any Member to serve in Parliament for any County, City, Borough, Cinqueport, or place, contrary to the last Determination in the Houle of Commons of the Right of Election in such County, City, Borough, Cinqueport or Place, that such Return so made, shall, and is hereby adjudged to be a false Return.

The party so grieved (to wit) every Person that shall be duly Elected to serve in Parliament for any County, City, Borough, Cinqueport or Place, by such false Return may Sue the Officers and Persons making or procuring the same, and every, or any of them at his Election, in any of his Majesty's Courts of Record at Westminster, and shall recover

Officers, &c. making such false Return, liable to an Action at the Suit of any duly Elected in any of the Courts at *Westminster* with double Damages and full Costs.

England.

double the Damages he shall sustain by reason thereof, together with his full Costs of such Suit.

Any Officer that shall wilfully, falsly, and maliciously Return more Persons than are required to be chosen by the Writ or Precept on which any choice is made, the like Remedy may be had against him or them, and the Party or Parties that willingly procure the same, and every or any of them by the Party grieved at his Election.

Officers, &c. falsely, &c. making double Returns liable to the like Action.

All Contracts, Promises, Bonds and Securities whatsoever hereafter made or given, to procure any Return of any Member to serve in Parliament, or any thing relating thereunto, be adjudged void, and that whoever makes or gives such Contract, Security,

Contracts, Bonds, &c. given to procure the Return of any Member adjudged void, and such as make or give them to procure any false or double Return, forfeit 300 l. one third to the King, another to the Poor of the Coun-

England. curity, Promise, or Bond, or any Gift or Reward to procure such false or double Return, shall forfeit the Sum of 300 l. one third part thereof to be to His Majesty, another third part thereof to the Poor of the County, City, Borough, or Place concerned, and one third part thereof to the Informer, with his Costs to be recovered in any of his Majesty's Courts of Record at Westminster by Action of Debt, Bill, Plaint or Information wherein no Essoin, Protection, or Wager of Law shall be allowed, nor more than one Imparlance.

ty, City, &c. and a third to the Informer, with his Costs, to be recovered by Action of Debt, &c. Wherein no Essoin &c. and but one Imparlance. to be allowed.

The Clerk of the Crown to keep a Book of Entry of every single and double Return, and of every Alteration and Amendment in every such Return whereto all Persons to have access, and take Copies of

so

so much as desired at a reasonable Fee And if the Clerk of the Crown makes not such Entry in Six Days after any Return, or alters any Return without Order of the House of Commons, or gives a Certificate of any Person not returned, or wilfully neglects or omits his Duty herein, to forfeit 500 l. *for each Offence to the Party grieved, to be recovered as aforesaid, and lose his Office, and be for ever incapable of holding it.*

England.

Every Information or Action brought upon this Statute, shall be brought within the space of Two Years after the cause of Action shall arise and not after.

Informations or Actions on this Statute to be brought within two Years after the Cause of Action.

Stat. 7 & 8. W. 3. *ch.* 25.

Enacted, &c. That when any New parliament shall at any time hereafter be summoned or called, there shall be

Writs of Summons to Parliament to have *Forty Days* between the *Teste* and *Returns*, and be issued with all

Forty

England. Forty Days between Teste and Returns of the Writs of Summons, and that the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the time being, shall issue out Writs for Election of Members to serve in the same Parliament with as much Expedition as the same may be done. And that as well upon the calling or summoning any New Parliament, as also in case of any Vacancy in Parliament, the several Writs shall be delivered to the proper Officer to whom the Execution thereof doth belong or appertain, and to no other Person whatsoever. And that every such Officer, upon the Receipt of the same Writ shall upon the back thereof endorse the day he received the same, Expedition, and delivered to the proper Officer to whom its Execution belongs, who shall indorse thereon the day he received it, and within three days issue and his Precept to the like proper Officer of each Borough, *&c.* that Elects, who shall also endorse the Day of his Receipt of the Precept in the former's Presence, and proceed to Election in eight days, and give four days notice of the day appointed.

England.

same, and shall forthwith, upon the Receipt of the Writ, make out the Precept or Precepts to each Borough, Town Corporate, *Port or place within his Jurisdiction, where any Member or Members are to be elected to serve in such New Parliament, or to supply any Vacancy in Parliament, and within three days after the Receipt of the said Writ of Election, shall by himself or proper Agent deliver or cause to be delivered such Precept or Precepts to the proper Officer of every such Borough, Town Corporate, Port or Place within his Jurisdiction, to whom the Execution of such Precept doth belong or appertain, and to no other Person whatsoever. And every such Officer upon the back of the same Pre-

* (*Proper Officer of the Cinqueports allowed six days from the Receipt of the Writ for the Delivery by a subsequent Statute.* 10 & 11. W. 3. ch. 7.)

cept,

England. apt, shall endorse the day of his Receipt hereof in the presence of the Party from whom he received such Precept, and shall forthwith cause notice to be given of the time and place of Election, and shall proceed to Election thereupon within the space of Eight Days next after his Receipt of the same Precept, and give four days notice at least of the day appointed for the Election.

Neither the Sheriff nor his under Sheriff in any County or City, nor the Mayor, Bayliff, Constable, Portreeve, or other Officer or Officers of any Borough, Town Corporate, Port or Place, to whom the Execution of any Writ or Precept for electing Members to serve in Parliament, doth belong or appertain, shall give, pay, receive

No Sheriff, &c. in any County or City, nor Mayor, &c. of any Borough, Town Corporate, Port or place to whom the Execution of any Writ or Precept belongs, to pay or receive any Fee, *&c.* in the making our, Receipt, Delivery, Return, or Execution of the same.

receive

England.

ceive or take any Fee, Reward or Gratuity whatsoever for the making out, Receipt, Delivery, Return, or Execution of any such Writ or Precept.

Upon every Election to be made of any Kt. or Knights of the Shire to serve in Parliament, the Sheriff of the County where such Election shall be made, shall hold his County Court for the same Election at the most publick and usual place of Election within the said County, and where the same has most usually been for 40 years last past, and shall there proceed to Election at the next County Court, unless the same fall out to be held within six days after the receipt of the Writ, or upon the same day, and then shall adjourn the same Court to some convenient day,

Sheriff, for Election of Knights of the Shire, to hold his County Court where the same has been most usually kept for Forty Years last, and proceed to the Election the next Court, unless it happen within six days after the Receipt of the Writ, or the same day, and then to adjourn, giving ten days notice of the time and place.

giving

England. giving ten days notice of the time and place of Election; and in Case the said Election be not determined upon the view with the consent of the Free-holders there present, but that a Poll shall be required for the determination thereof; then the said Sheriff, or in his absence, the under Sheriff, with such others as shall be deputed by him, shall forthwith there proceed to take the said Poll in some open or publick place, or places, by the same Sheriff or his under Sheriff in his absence, or others appointed for the taking thereof as aforesaid: And for the more due and orderly proceeding in the said Poll, the said Sheriff, or in his absence his under Sheriff or such as he shall depute, shall appoint such number of

If a Poll required the Sheriff, &c. forthwith to proceed thereon publickly and appoint Clerks to take the Poll in his, &c. presence, who shall be Sworn by him, &c. to take it indifferently, and to set down each Freeholders Name, the place of his Freehold, and for whom he Polls, and to Poll no Freeholder not Sworn, if required by any Candidate.

Clerks

Clerks as to him shall seem meet and convenient, for the taking thereof, which Clerks shall all take the said Poll, in the presence of the said Sheriff or his under Sheriff, or such as he shall depute, and before they begin to take the said Poll, every Clerk so appointed shall by the said Sheriff or his under Sheriff, aforesaid, be Sworn truly and indifferently to take the same Poll, and to set down the names of each Freeholder, and the place of his Freehold, and for whom he shall Poll, and to Poll no Freeholder who is not Sworn, if so required by the Candidates, or any of them (which Oath of the said Clerks, the said Sheriff or his under Sheriff, or such as he shall depute are hereby impowered to

Administer)

England. Administer) and the Sheriff or his under Sheriff shall appoint for each Candidate, such one Person as shall be nominated to him by each Candidate to be Inspectors of every Clerk, who shall be appointed for taking the Poll, and every Freeholder before he is admitted to Poll at the same Election, shall if required by the Candidates, or any of them, first take the Oath (in this Act contained, which see in the Appendix.) Which Oath the Sheriff by himself, or his under Sheriff, or such Sworn Clerks by him appointed for taking the said Poll as aforesaid, are hereby authorized to Administer.

The said Sheriff or in his Absence his under Sheriff, or such as he shall depute as afore-

Sheriffs, &c. to appoint for each Candidate, one Person nominated by such Candidate, to be Inspectors of every Clerk of the Poll.

And to Swear each Freeholder before his Poll be taken, if by any Candidate required, *to his Freehold.*

Sheriff, &c. at the place of Election to proceed to the Poll, and not adjourn the said,

[illegible] the first County Court to any Freeholder.

[illegible] until all the Freeholders then and there present shall be Polled.

Every Sheriff, [illegible] Sheriff, Steward, Bayliff &c. To deliver to any and every Officer, to perform during it, a Copy of the Poll, upon the Execution of any Writ or Precept [illegible] shall

England. shall belong, for the Electing Members to serve in Parliament, shall forthwith deliver to such Person or Persons as shall desire the same, a Copy of the Poll taken at such Election, paying only a reasonable Charge for Writing the same, and every Sheriff, under Sheriff, Mayor, Bayliff and other Officer to whom the Execution of any Writ or Precept for Electing of Members to serve in Parliament doth belong, for every wilful Offence contrary to this Act, shall forfeit to every party so agrieved, the sum of five hundred Pounds, to be recovered by him or them, his, or their Executors, or Administrators, together with full Costs of Suit, and for which he or they may sue by Action of Debt, Bill, Plaint, paying reasonably for Writing it.

Sheriffs, Mayors, &c. for every wilful Offence contrary to this Act, forfeits to each Party grieved 500 l. to be recovered by him, his Executors, &c. with full Costs, by Action of Debt, &c. wherein no Essoign, &c. to be allowed.

or

England.

or Information, in any of his Majestys Courts at Westminster, wherein no Essoign, Protection, Wager of Law, Privilege, or Imparlance shall be admitted or allowed.

Every return of any Person under the age of 21 Years, is hereby declared to be null and void.

The return of any Person Chosen under 21 years declared void.

All County Courts to be held for the County of York, or any other County Courts, which heretofore used to be held on a Monday, shall be called and begun upon a Wednesday, and not otherwise, any Custom or usage to the contrary notwithstanding.

County Courts for *Yorkshire* and others used to be held on a *Monday*, to be called and held on a *Wednesday*.

The Sheriff of the County of Southampton, or his Deputy, at the request of one or more of the Candidates, for Election of a Kt. or Knights of that County, shall adjourn

Sheriff, &c. of *Hampshire*, at the request of any Candidate of that County o adjourn a ter the tnd of the fPoll at *Winchester* to *New*

England. the Poll from Winchester, after every Freeholder then and there present is Polled, to Newport, in the Isle of Wight, for the ease of the Inhabitants of the said Island, any thing in this Act contained to the contrary notwithstanding.

ports in the Isle of *Wight.*

Stat. 7. & 8. W. 3. *ch.* 27.

Enacted, &c. That no Person which shall refuse to take the Oaths (of Allegiance and Supremacy, which see in the Appendix) directed by an Act made in the first Year of the Reign of his present Majesty and the late Queen Mary, or being Quakers shall refuse to subscribe the Declaration of Fidelity directed by one other Act of Parliament made in the said first Year of the

Sheriffs, &c. on the Poll at any Election to Administer the Oaths of Allegiance and Supremacy to Electors, (and if *Quakers* the Declaration of Fidelity) at the request of any Candidate, and on refusal not to admit them to Vote.

Reign

Reign of his preſent Majeſty and the late Queen (which ſee alſo in the Appendix) (which Oaths and Subſcription reſpectively the Sheriff or Chief Officer, taking the Poll at any Election of Members to ſerve in Parliament, at the requeſt of any one of the Candidates are hereby impower'd and required to Adminiſter) ſhall be admitted to give any Vote for the Election of any Knight of the Shire, Citizen, Burgeſs, or Baron of the Cinque-ports to ſerve in Parliament.

Stat. 10 & 11 *W.* 3. *ch.* 7.

Enacted, &c. That the Sheriff or other Officer having the Execution and Return of any Writ to Parliament, for the future, Sheriffs, &c. By themſelves or Deputies, on or before the day any Parliament ſhall be called to meet and not exceeding 14

England. shall on or before the Day that any future Parliament shall be called to meet, and with all convenient Expedition, not exceeding fourteen Days after any Election made by vertue of any new Writ, either in Person or by his Deputy make Returns of the same to the Clerk of the Crown in the High Court of Chancery, to be by him filed, &c. and pay to the Clerk of the Crown 4 s. for every Knight of the Shire, and 2 s. for every Citizen, Burgess, &c. which the Sheriff, &c. shall charge to the King, and have allowed upon his Account.

The proper Officer of the Cinque Ports shall be allowed six days from the Receipt of such Writ for the delivery of the Precept days after any Election made, to make his return to the Clerk of the Crown, &c.

(See the Stat. &c. 7 & 8. W. 3. ch. 25. page 107.)

according

according to the purport of the Act (7 & 8. W. 3. ch. 25.) any thing in the said Act, or any other Law, Statute or Usage to the contrary in any wise, notwithstanding.

Every Sheriff or other Officer or Officers aforesaid, who shall not make the Returns according to the true Intent and Meaning of this Act, shall forfeit for every such Offence the sum of 500 l. one moiety whereof shall be to his Majesty, and the other moiety to him or them that will sue for the same, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesties Courts of Record, at *Westminster*, wherein no Essoign, Protection, or Wager of Law shall be allowed, nor more than one Imparlance.

Sheriffs, &c. not making returns accordingly, to forfeit for each offence 500l. one Moiety to the King, the other to him that will Sue by Action of Debt, &c. wherein no Essoign, &c. to be allowed, and but one Imparlance.

Great Britain.

Stat. 6. Annæ, ch. 6.

Enacted, &c. That when any Parliament shall hereafter be Summoned or called, the Forty Five Representatives of *Scotland* in the House of Commons in the Parliament of Great Britain, shall be elected and chosen by authority of the Queens Writs, under the great Seal of Great Britain, directed to the several Sheriffs and Stewarts of the respective Shires and Stewartries, and the said several Sheriffs and Stewarts shall, on receipt of such Writs, forthwith give notice of the time of Election for the Knights or Commissioners for their respective shires or Stewartries: And the Clerks of the said meetings,

Writs to issue to the respective Sheriffs or Stewarts, for Choosing the 45 Representatives of *Scotland* to Parliament.

Sheriffs, &c. thereon, forthwith to give notice of the time of Election for the Shires.

immediately

immediately after the said Elections are over, shall respectively return the names of the Persons elected to the Sheriff or Stewart of the Shire, or Stewartry, who shall annex it to his Writ, and return it with the same into the Court out of which the Writ is Issued.

Great Britain.

Clerks of the meetings forthwith to return the names of the Elected to the Sheriff, who is to annex and return it with his Writ.

And as to the manner of Election of the Fifteen Representatives of the Royal Burroughs, the Sheriff of the Shire of *Edinburgh*, shall on the receipt of the Writ directed to him, forthwith direct his Precept to the Lord Provost of *Edinburgh*, to cause a Burgess to be Elected for that City; and their Common Clerk shall certify the name of the Member Elected, to the Sheriff of *Edinburgh*,

Sheriff of *Edinburgh* on receipt of his Writ, forthwith to direct his Precept to the Lord Provost, for Electing the Burgess for that City.

Common Clerk of *Edinburgh*, to certify the name of the Elected to the Sheriff,

who

Great Britain.

who shall annex it to his Writ, and return it with the same into the Court, from which the Writ issued.

And as to the other Royal Burghs, divided into 14 Classes or Districts, the Sheriffs or Stewarts of the several Shires and Stewartries, shall on the receipt of their several Writs forthwith direct their several precepts to every Royal Burgh within their respective Shires or Stewartries reciting therein the Contents of the Writ, and the Date thereof, and commanding them forthwith to elect each of them a Commissioner as they used formerly to elect Commissioners to the Parliament of *Scotland*, and to order the said respective Commissioners to meet at the presiding Burrough

who is to annex and return it with the Writ.

Sheriffs, &c. in like manner to direct their Precepts to the Royal Burgs, for the electing a Commissioner for each, and the Commissioners of each District to meet at the presiding Borough (by name) for each District on the 30th day after the Teste of the Writ, unless *Sunday*, and then *Monday* to choose their Burgess.

rough of their respective District (naming the said Presiding Burrough) upon the thirtieth day after the day of the Teste of the Writ, unless it be upon the Lord's day, commonly called Sunday, and then the next day after, and then to choose their Burgess for the Parliament, and the Common Clerk of the then presiding Burrough shall immediately after the Election return the name of the person so Elected to the Sheriff or Stewart of the Shire or Stewartrie wherein such Presiding Burrough is, who shall annex it to his Writ, and return it with the same, into the Court from whence the Writ issued. And in case a vacancy shall happen in time of Parliament, by the decease or legal In-

Common Clerk of such Presiding Burrough forthwith to return the name of the Elected to the Sheriff, &c. in whose Shire such Burrough is, who is to annex and return it with his Writ.

capacity

Great Britain.

capacity of any Member, a new Member shall be elected in his room, conformable to the method herein before appointed; and in case such vacancy be of a Representative for any one of the said 14 Classes or Districts of the said Royal Burroughs, that Borough which presided at the Election of the Deceased or Disabled Member, shall be the Presiding Borough at such new Election.

Provided always that upon the issuing of the Writs of Summons for the electing of a Parliament, if any Shire or Stewartry where a Royal Burrough is, hath not then a turn or right to elect a Commissioner or Kt. of the Shire or Stewartry for that Parliament, that then it shall

To be taken by Sheriffs, &c. Like Method to be taken by Sheriffs, &c. in case of Vacancy in Parliament time, by Decease or incapacity of a Member; and if for a Burgh the Presiding Burgh at the first to preside at the new Election.

In Writs to Sheriffs, the Election of a Kt. to be omitted, if the Shires (where a Royal Burgh is) have not then a turn to Elect.

he

Great Britain.

be omitted out of the Writ, directed to such Sheriff or Stewart, to cause a Knight or Commissioner for that Shire or Stewartry to be Elected for that Parliament.

Stat. 6. Annæ, *ch.* 23.

Enacted, &c. That every person who shall refuse to take the Oath (*of Abjuration, which see in the Appendix*) or being a Quaker, shall refuse to declare the effect thereof upon his Solemn Affirmation, as directed by an Act of Parliament made in the seventh year of the Reign of his late Majesty King *William*, (*the form whereof see also in the Appendix*,) which Oath or Declaration the Sheriff President of the meeting, or Chief Sheriffs, Presidents of meetings, &c. On the Poll at any Election of Members of Parliament for *Great Britain*, or of Commissioners for choosing Burgesses for *Scotland*, at the request of any Candidate or others to administer the Abjuration Oath, (or upon Affirmation to Quakers) and Electors refusing it inable to Vote.

Officer

Great Britain.

Officer taking the Poll at any Election of Members to serve in the House of Commons for any place in Great Britain, or Commissioners for chooſing Burgesses for any place in *Scotland*, at the request of any Candidate or other Person present at such Election, are hereby impower'd and requir'd to Administer, shall not be capable of giving any Vote for the Election of any such Member to serve in the House of Commons, for any place in Great Britain, or Commissioner to choose a Burgess for any place in Scotland.

FINIS.

Appendix.

The Form of the Oath of Allegiance *appointed by* Stat. 1 W. M. Cap. 1.

I *A. B.* do ſincerely Promiſe and Swear, That I will be Faithful, and bear true Allegiance to her Majeſty Queen *Anne*,

So help me God.

The Form of the Oath of Supremacy, *appointed by the ſame* Stat.

I *A. B.* do Swear, That I do from my Heart Abhor, Deteſt, and Abjure, as Impious and Heretical, that damnable Doctrine and Poſition, *That Princes Excommunicated or Deprived by the Pope, or any Authority of the See of* Rome, *may be Depoſed or Murthered by their Subjects, or any other whatſoever.* And I do declare that no Foreign Prince, Perſon, Prelate, State, or Potentate, hath, or ought to have, any Juriſdiction, Power, Superiority, Preeminence, or Authority, Eccleſiaſtical or Spiritual, within this Realm,

So help me God.

The

APPENDIX.

The Form of the Declaration or Teſte, *appointed by* Stat. 30 Ch. 2. Chap. 1.

I *A. B.* do Solemnly and Sincerely in the Preſence of God, Profeſs, Teſtify, and Declare, That I do believe that in the Sacrament of the Lord's Supper, there is not any Tranſubſtantiation of the Elements of Bread and Wine, into the Body and Blood of Chriſt, at or, after the Conſecration thereof by any Perſon whatſoever; and that the Invocation or Adoration of the Virgin *Mary*, or any other Saint, and the Sacrifice of the Maſs, as they are now uſed in the Church of *Rome*, are Superſtitious and Idolatrous; and I do ſolemnly in the Preſence of God, Profeſs, Teſtify, and Declare, That I do make this Declaration, and every part thereof, in the plain and ordinary Senſe of the Words read unto me, as they are commonly underſtood by *Engliſh* Proteſtants, without any Evaſion, Equivocation, or Mental Reſervation whatſoever, and without any Diſpenſation already granted me for this purpoſe by the Pope, or any other Authority or Perſon whatſoever, or without any hope of any ſuch Diſpenſation from any Perſon or Authority whatſoever, or without thinking that I am, or may be acquitted before God or Man, or abſolved of this Declaration, or any part thereof, altho' the Pope, or any other Perſon or Perſons, or Power whatſoever, ſhould diſpenſe with, or annul the ſame, or declare that it was null or void from the beginning.

The

APPENDIX.

The Form of the Abjuration, *by* Stat. 6 Anne Ch. 7

I *A. B.* do truly and ſincerely Acknowledge, Profeſs, Teſtify, and Declare in my Conſcience, before God and the World, That our Soveraign Lady Queen *Anne* is Lawful and Rightful Queen of this Realm, and of all other her Majeſties Dominions and Countries thereunto belonging. And I do ſolemnly and ſincerely Declare, that I do believe in my Conſcience, that the Perſon pretended to be Prince of *Wales*, during the Life of the late King *James*, and ſince his Deceaſe, pretending to be, and taking upon himſelf the Stile and Title of King of *England*, by the name of *James* the Third, hath not any Right or Title whatſoever to the Crown of this Realm, or any other the Dominions thereunto belonging: And I do Renounce, Refuſe, and Abjure any Allegiance or Obedience to him. And I do ſwear that I will bear Faith and true Allegiance to her Majeſty Queen *Anne*, and her will defend to the utmoſt of my Power, againſt all Trait'rous Conſpiracies and Attempts whatſoever, which ſhall be made againſt her Perſon, Crown, or Dignity, and I will do my utmoſt Endeavour to diſcloſe and make known to Her Majeſty, and Her Succeſſors, all Treaſons and Traiterous Conſpiracies which I ſhall know to be againſt Her, or any of them. And I do faithfully promiſe to the utmoſt of my Power, to Support, Maintain, and Defend the Succeſſion of the Crown againſt him the ſaid *James*, and all other Perſons whatſoever, as the ſame by an Act Intituled, *An Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subject*, is and ſtands limited to the Princeſs *Sophia*,

Electoreſs and Dutcheſs Dowager of *Hanover*, and the Heirs of her Body, being Proteſtants. And all theſe things I do plainly and ſincerely acknowledge, and ſwear, according to theſe Expreſs Words by me ſpoken, and according to the plain and common Senſe and Underſtanding of the ſame Words, without any Equivocation, Mental Evaſion, or Secret Reſervation whatſoever. And I do make this Recognition, Acknowledgment, Abjuration, Renunciation, and Promiſe, Heartily, Willingly, and Truly, upon the true Faith of a Chriſtian.

So help me God.

The Form of the Freeholders Oath, *to be taken (if required) on the Poll at Elections for Knights of the Shire, by* Stat. 7, & 8 W. 3. Ch. 25.

You ſhall ſwear that you are a Free-holder for the County of *A.* and have Free-hold Lands or Hereditaments of the yearly Value of 40 *s.* lying at *B.* within the ſaid County of *A.* and that you have not been before Polled at this Election.

The Form of the Declaration of Fidelity, *appointed to be ſubſcribed by Quakers, by* Stat. 1 W. & M. Cap. 18.

I *A. B.* do ſincerely Promiſe, and ſolemnly Declare, before God and the World, that I will be true and faithful to Queen *Anne*; and I do ſolemnly profeſs and declare, That I do from my Heart Abhor, Deteſt, and Renounce, as Impious and Heretical, that damnable Doctrine and Poſition,

tion, *That Princes Excommunicated, or Deprived by the Pope, or any Authority of the See of* Rome, *may be Deposed or Murthered by their Subjects, or any other whatsoever.* And I do declare, that no Foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have, any Power, Jurisdiction, Superiority, Pre-eminence, or Authority Ecclesiastical or Spiritual, within this Realm.

The Form *appointed by* Stat. 7, & 8 W. 3. Ch. 34. *In which the effect of the* Abjuration, *and the* Freeholders Oath *is to be administred to* Quakers.

I *A. B.* do declare in the Presence of Almighty God the Witness of the Truth of what I say.

The Formula *appointed by Act of Parliament made* 8, & 9 Sess. W. 3. *in* Scotland.

I *A. B.* do sincerely from my Heart profess and declare before God, who searcheth the Heart, that I do Deny, Disown and Abhor these Tenets and Doctrines of the Papal Romish Church, *viz.* The Supremacy of the Pope and Bishop of *Rome* over all Pastors of the Catholick Church, his Power and Authority over Kings, Princes, and States, and the Infallibility that he pretends to, either without, or with a General Council, his Power of Dispensing and Pardoning. The Doctrine of Transubstantiation, and the Corporal Presence with the Communion without the Cup in the Sacrament of the Lord's Supper, the Adoration and Sacrifice professed, and practiced by the Popish Church in

the Mass, the Invocation of Angels and Saints, the Worshiping of Images, Crosses, and Reliques, the Doctrine of Supererogation, Indulgences, and Purgatory, and the Service and Worship in an unknown Tongue: all which Tenets and Doctrines of the said Church I believe to be contrary to, and inconsistent with, the written Word of God; and I do from my Heart deny, disown, and disclaim the said Doctrines and Tenets of the Church of *Rome*, as in the Presence of God, without any Equivocation or Mental Reservation, but according to the known and plain meaning of the Words, as to me offered and proposed,

So help me God.

ERRATA.

PAge 45. read Stat. 25 C. 2. ch. 9. instead of 29. That Statute is also misplaced, and should have been in p. 46. The following Marginal Note was omitted in page 54. (*Members of Parliament incapacitated to be chosen, by* Stat. 11, & 12 W. 3. Ch. 2. *and in the Customs by* Stat. 12, & 13 W. 3. Ch. 10.)

BRITISH MUSEUM 22 NOV 54

FINIS.

ADDENDA TO THE Law of Elections.

Of the Electors

Stat. 9. Anne.

Page 83.

ENACTED, That every Person (except the eldest Son or Heir apparent of a Peer or of a Person qualified by this Act to serve as Knight of a Shire, or such as shall be elected for each of the Universities of England) shall upon Request at the Time of Election, or before the Day to be pre-

Candidates to be sworn to their Estates, if required by two Electors.

Great-Britain.

fixed

Great-Britain.

fixed in the Writ of Summons for the meeting of (any subsequent) Parliament, by any Two or more Persons having a Right to vote at such Elections, take a Corporal Oath in the Form (in this Act contained; which see in the Appendix.)

The respective Oaths aforesaid, shall be administred by the Sheriff or Under-Sheriff for any County, or by the Mayor, Bayliff or other Officer or Officers for any City, Burrough, &c. to whom it shall appertain to take the Poll, or make the Return at such Election, or by any Two Justices of the Peace within England, &c. and if any of the said Candidates shall wilfully refuse to take the Oath, the Election and Return of such Candidate and Person shall be void.

The Oaths to be administred by the Sheriff or other Officer by whom the Poll is to be taken or Return made, or Two or more Justices of the Peace.

The Election and Return of Candidates refusing to take the Oaths, void.

Stat. 10. *Anne.*

Enacted, That all Estates Collusive Estates made to qualify Persons, in any Sole qualify Persons for Elections.

and Conveyances made in any Sole or Collusive Manner, to qualify any Person

them to give their Votes at Elections of Knights of the Shire (subject to Conditions to determine or re-convey such Estate) shall be taken against those Persons who executed the same, as free and absolute, and be holden by all such Persons to whom such Conveyance shall be made, freely acquitted from all Manner of Trusts, Clauses of Re-Entry, &c. between the said Parties, and all Bonds, Covenants, &c. for the Performing thereof, shall be null and void; and every Person who shall make and execute such Conveyances, or being privy to such Purpose, shall devise or prepare the same, or any Person who, by Colour thereof, shall give any Vote at any Election of Knights of a Shire, shall forfeit 40 l. to any that will sue for the same, to be recovered with full Costs of Suit by Action of Debt, &c. in any of her Majesty's Courts at Westminster, wherein no Essoin, &c. or more than One Imparlance shall be allowed.

of the Shire made absolute, and all Bonds, &c. for restoring the same, void

Great-Britain.

The Maker, Adviser, and Voter, forfeit 40 l. each, with full Costs, &c. to any that will sue for the same &c.

Great-Britain.

After May 1. 1712. No Person shall Vote for the electing of a Knight of a Shire in England, in Right of any Lands which have not been assessed to the Publick Taxes, Church-Rates, and Parish-Duties, &c. in such Proportion as other Lands of 40 s. per Annum in the Parish where the same shall be, and for which same Parish, such person shall not have received the Rents, or be entituled so to do, to the Value of 40 s. or more, to his own Use, for One Year before such Election, unless it come by Descent, Marriage, Devise, or Presentation to some Benefice, &c. and voting contrary to the true Intent hereof shall forfeit 40 l. one Moiety to the Poor where the Lands lie, the other to the Person suing for the same.

The Act (7 W. 3.) as to so much only as concerns the Oath (to be administred to Freeholders) shall be, and is hereby repealed.

And upon every Election to be made of a Knight of a Shire within England, every Freeholder, before he is admitted to Poll, shall if required by the Candidate or

No None after 1712. shall vote in Right of Lands not assessed to the Taxes, Rates, &c. in Proportion to other Lands of 40 s. per Ann. in the same Parish, and for which he shall not have received or be entituled to 40 s. Rent or more to his own Use before the Election unless come by Descent &c. Voting otherwise forfeits 40 l. half to the Poor, half to him that sues to be recovered, &c. as above.

Freeholder to be sworn before admitted to Poll, if required by any Candidate Voter.

dates

dates, or any of them, or any other Person having a Right to vote, First take the Oath (in this Act contained, which see in the Appendix) which Oath the Sheriff, &c. is to administer; and such or any other Person being convicted of wilful Perjury, or suborning any Freeholder, &c. to commit such Perjury, he shall incur the Penalties in the Act 5 Eliz. for punishing Perjury.

And if any Quaker during the Continuance of an Act (7. W. 3.) Intituled an Act, That the solemn Affirmation and Declaration of the People called Quakers shall be excepted instead of an Oath in the usual Form, shall upon such Election if required by the Candidates, or any of them declare the Effect of the said Oath upon his solemn Affirmation, in such Manner and Form as is directed by the said Act, every such Quaker shall be capable, and admitted to give his Vote for the Election of any such Member within England; and every Sheriff, &c. is hereby authorized and required to accept such Affir-

Freeholders or other Persons convicted of Perjury, for every Offence *forfeits* 20 l. *suffers half a Year's Imprisonment, is incapacitated to take an Oath till such Judgment be reversed, and for want of* 20 l. *to have his Ears nailed to the Pillory*, per Stat. 5. Eliz. Great-Britain.

Convicted of Subornation of Perjury for every Offence (*Forfeits* 40 l. *and the like Incapacity; and for want of* 40 l. *to stand in the Pillory an Hour by the same Statute.*)

* *Quakers* capacitated to vote during the Act 7. W. 3. And their Affirmation to the Effect of the Oaths according to the said Act, to be ac-

mation,

Great-Britain.

mation instead of the said Oath. And in Case any such Quaker shall be convicted wilfully, falsly and corruptly to have affirmed or declared any Matter or Thing; which if the same had been in the usual Form, would have amounted to wilful and corrupt Perjury; every such Quaker so offending, shall incur the same Penalties and Forfeitures, as are herein before enacted against Persons convicted of wilful and corrupt Perjury.

cepted instead thereof by the Sheriff, &c.

Quaker convicted of affirming what would have been Perjury by the usual Form, to incur the same Penalties as others, *per Stat.* 5. *Eliz.* as above.

1. *Stat.* 12. *Anne.*

Enacted, That the aforesaid Act (10. Anne) shall not extend to restrain any Person from voting in Right of any Rents, Tithes or other incorporeal Inheritances, or any Messuages or Lands in Extra-Parochial Places, or any Chambers in the Inns of Court, or Inns of Chancery, or any Messuages or Seats belonging to any Offices; or in Right of any other Messuages or Lands that have not been usually charged and assessed to all and every the Publick Taxes, Church-Rates and Parish-Duties,

Persons capacitated to Vote in Right of Rents, Tithes, and other incorporeal Inheritances, Messuages or Lands Extra-Parochial Chambers in Inns of Courts or Chancery, Messuages or Seats belonging to Offices; and recapacitated in Right of any other Messuages or Lands not

Pro-

Provided, such Messuages usually charged or Lands have been usually charged or assessed to some or more of the one, or more of the said Publick Taxes, Publick Taxes, Rates, or Rates, &c. Duties in such Proportion, as other Messuages or Lands of 40 s. per Annum within the same Parish or Township where the same shall lye, are usually charged. Great-Britain.

2. Stat. 12. Anne.

Enacted, That from and after the Determination of this present Parliament, no Conveyance or Right whatsoever, whereupon Infeoffment is not taken, and Seisin registrated One Year before the Teste of the Writs for calling a New Parliament, shall upon Objection made in that Behalf, entitule the Person or Persons, so inseft, to vote at that Election, in any Shire or Stewartry in that Part of Great-Britain called Scotland; And in Case any Election happen, during the Continuance of a Parliament, no Conveyance or Right whatsoever, whereupon Infeoffment is not taken One Year before the Date of the Warrant for making out a new

No Conveyance or Right after the End of this Parliament, whereon Infeoffment is not taken, and Seisin registred a Year before the Teste of the Writs, shall entitle the Person to Vote, for the Election in any Shire or Stewartry in *Scotland*.

The like as to Infeoffment not taken a Year before the Date

Great-Britain

Writ for such Election, shall, upon Objection made in that Behalf, entitule the Person or Persons so infeft, to vote at that Election; And that it shall be lawful for any of the Electors present, suspecting any Person or Persons to have his or their Estates in Trust, and for the Behoof of an other, to require the Preses of the Meeting to tender the Oath (in this Act contained, which see in the Appendix) to any Elector; and the said Preses is hereby impowered and required to administer the same.

of a Warrant for a new Writ during the Continuance of a Parliament. Any Elector present suspecting Persons to have Estates in Trust, may require the Præses of the Meeting to swear such to their Estates.

In Case such Elector refuse to swear, and also to subscribe the said Oath, such Person or Persons shall not be capable of voting at such Election.

Elector refusing to swear and subscribe the Oath, incapable to Vote.

Notwithstanding such Oath taken, it shall be lawful to make such other Objections as are allowed by the Laws of Scotland against such Electors.

Other Objections allowed by the Laws of *Scotland* lawful to be made against Electors.

No Infeoffment taken upon any redeemable Right (except proper Wadsetts, Adjudications, or Apprizings allowed by the Act of Parliament relating to Elec-

No Infeoffment taken upon any redeemable Right (except proper Wadsetts, Adctions

ctions in One thousand six hundred eighty one,) shall entitle the Persons so infeft, to vote at any Election in any Shire or Stewartry; And no Person or Persons who have not been enrolled and voted at former Elections, shall upon any Pretence whatsoever be enrolled or admitted to vote at any Election, except he or they first produce a sufficient Right or Title to qualify him or them to vote at that Election, to the Satisfaction of the Freeholders formerly enrolled, or the Majority of them present; and the returning Officers are hereby ordained to make their Returns of the persons elected, by the Majority of the Freeholders enrolled, and those admitted by them, reserving always the Liberty of objecting against the Persons admitted to, or excluded from the Roll, as formerly.

The Right of apparent Heirs in Voting at Elections by Virtue of their Predecessor's Infeoftments, and of Husbands by Virtue of their Wives Infeoftments, and of their Wives Infeoftments, and of their Wives Infeoftments, and

Great-Britain.

ments, is reserved to them as formerly.

Any Conveyance, or Right, which by the Laws of Scotland is sufficient to qualify any Person to vote in the Elections of Members of Parliament for Shires or Stewartries, and whereupon Infeoffment is taken on, or before the First Day of June, in the Year of our Lord One thousand seven hundred and thirteen, shall entitle the Person or persons so infeft, to vote at the Elections of Members to serve in the next ensuing Parliament.

No Husband shall vote at any ensuing Election by Virtue of their Wives Infeoffments, who are not Heiresses, or have not Right to the Property of the Lands, on Account whereof such Vote shall be claimed.

Husbands by their Wives, reserved.

Any Conveyance or Right by the Laws of *Scotland*, sufficient to qualify a Voter in Elections for Shires or Stewartries, whereon Infeoffment taken before *June* 1. 1713. a Qualification for future Voting generally.

Husbands not to vote by their Wives Infeoffments who are not Heiresses, nor have Right to the Property of the Lands for which such Vote claimed.

Of

Of the Elected.

Stat. 9. Anna.

Pag. 82.

ENacted, That no Perſon ſhall be capable to Sit or Vote as a Member of the Houſe of Commons, for any County, City, &c. within that Part of Great-Britain called England, &c. who ſhall not have an Eſtate Freehold or Copyhold for his own Life, or for ſome greater Eſtate, either in Law or Equity to his own Uſe, in Lands, Tenements, or Hereditaments, above what will ſatisfy and clear all Incumbrances within that Part of Great-Britain called England, &c. of the annual Value of Six hundred Pounds above Reprizes, for every Knight of a Shire; and of Three hundred Pounds above Reprizes for every Citizen, Burgeſs, &c. And if any perſons Elected or Returned to ſerve in any

Perſons incapacitated to Sit or Vote in the Houſe of Commons who have not an Eſtate, Freehold or Copyhold for Life or Greater, lying in England of 600 l. for a Knight of the Shire, annually; and 300 l. for a Citizen Burgeſs, &c. and if any Elected, &c. not ſeized of ſuch an Eſtate, the Election, &c. void.

Par-

Great-Britain.

Parliament, as a Knight of a Shire, or as a Citizen, Burgess, &c. shall not, at the Time of such Election and Return, be seized off, or entitled to such an Estate before required, such Election and Return shall be void.

Nothing in this Act contained, shall extend to make the Eldest Son or Heir Apparent, of any Peer or Lord of Parliament, or of any person qualified by this Act to serve as Knight of a Shire, uncapable of being Elected and Returned, and Sitting and Voting as a Member of the House of Commons, in any Parliament.

Eldest Son or Heir Apparent of a Peer, or Person qualified to serve as a Knight of a Shire, excepted.

Nothing in this Act contained, shall extend to either of the Universities in that part of Great Britain called England, but that they may elect and return Members to represent them in Parliament, as heretofore they have done.

Elections, for each of the Universities in *England* also excepted.

No Person shall be qualified to sit in the House of Commons, within the Meaning of this Act, by Vertue of any Mortgage, whereof the Equity of Redemption is in any other Person, unless the Mort-

No Person qualified by Vertue of a Mortgage, unless in Possession of the mortged Premises for Seven Years.

gage

gagee shall have been in Possession of the Mortgaged Premises for Seven Years before the Time of his Election.

before his Election. Great-Britain.

Every Person (except as aforesaid) who shall appear as a Candidate, or shall by himself, or any others, be proposed to be Elected, shall, upon Request (at the Time of such Election, or before the Day, to be prefixed in the Writ of Summons for the Meeting of the Parliament) by any other Person who shall stand Candidate at such Election, or by any Two or more persons, having Right to vote at such Election, take a Corporal Oath in the Form (in this Act contained, which see in the Appendix.)

Candidates to be sworn to their Estates if required, by any other Candidate or Two Electors,

The Respective Oaths aforesaid, shall be administred by the Sheriff or under-Sheriff, for any County, or by the Mayor, Bailiff, or other Officer or Officers for any City Burrough, &c. to whom it shall appertain to take the Poll, or make the Return at such Election, or by any Two or more Justices of the Peace within England, &c. And if any of the said Candidates,

Before the Sheriff or other Officer by whom the Poll is to be taken or Return made, or Two or more Justices of the Peace.

&c.

Great-Britain.

&c. shall willfully refuse to take the Oath, the Election and Return of such Candidate or Person shall be void.

The Election and Return of Candidates refusing to take the Oath, void.

2. *Stat.* 12. *Anna.*

Enacted, That from and after the Determination of this present Parliament, no Conveyance or Right whereupon Infeoffment is not taken, and Seisin registred One Year before the Teste of the Writs for calling a New Parliament, shall upon Objection made in this Behalf, entitle the person or persons so infeft, to be elected at that Election in any Shire or Stewartry in that part of Great-Britain called Scotland; and in Case any Election happen during the Continuance of a Parliament, no Conveyance or Right whatsoever, whereupon Infeoffment is not taken One Year before the Date of the Warrant for making out a New Writ for such Election, shall upon Objection made in that Behalf, intitle the person or persons so infeft, to be elected at that Election; and

No Conveyance or Right after the End of this Parliament whereon Infeoffment is not taken, and Seisin registred a Year before the Teste of the Writs, shall entile the Person to be elected in any Shire or Stewartry in *Scotland*.

The like as to Infeoffments not taken a Year before the date of the Warrant for a New Writ during the Continuance of a Parliament.

that

that it shall be lawful for any of the Electors present, suspecting any person or persons to have his or their Estates in Trust, and for the Behoof of another to require the Preses of the Meeting to tender the Oath (in this Act contained, which see in the Appendix, intit'led the Form of the Freeholders, &c. Oath, to be taken (upon Objection made) by *Sta. 12. Anne*, and is the same *mutatis mutandis*) to any Elector, and the said Preses is hereby required to administer the same.

Any Elector present, suspecting Persons to have Estates in Trust, may require the Preses of the Meeting to swear such to their Estates.

In Case such Elector refuse to swear, and also to subscribe the said Oath, such person or persons shall not be capable of being elected at such Election.

On Refusal, to swear and subscribe the Oath incapable to be elected.

Of the Officers Returning.

Stat. 9. Anna.

Pag. 126.

Great-Britain.

ENacted, That every Perſon (except the eldeſt Son, or Heir apparent of a Peer, or of a Perſon qualified by this Act to ſerve as Knight of a Shire, or ſuch as ſhall be elected for each of the Univerſities of *England*) ſhall upon Requeſt, at the time of the Election, or before the Day to be prefixed in the Writ of Summons for the Meeting of (any Subſequent) Parliament, by any other perſon who ſhall ſtand Candidate at ſuch Election, or by any two or more perſons having a Right to vote at ſuch Election, take a Corporal Oath in the Form, (in this Act contained, which ſee in the Appendix.)

Candidate to be ſworn to his Eſtate if required by any other Candidate, or 2 Electors.

The

The respective Oaths aforelaid shall be administred by the Sheriff or Under-Sheriff for any County, or by the Mayor, Bailiff, or other Officer or Officers, for any City, Borough, &c. to whom it shall appertain to take the Poll, or make the Return at such Election, or by any two or more Justices of the Peace within England, &c. and the said Sheriff, Mayor, Bailiff, or other Officers, and the said Justices of the Peace respectively, are hereby required to certify the taking thereof into Her Majesty's High Court of Chancery, or the Queen's-Bench, within three Months after the taking the same, under the Penalty of forfeiting One hundred Pounds; One Moiety to the Queen, and the other Moiety to such person or persons as will sue for the same, to be recovered with full Costs of Suit, by Action of Debt, Bill, Plaint or Information, in any of Her Majesty's Courts of Record at Westminster.

The Oaths to be administred by the Sheriff, or other Officer by whom the Poll is to be taken, and Return made, or two or more Justices of the Peace; Who are to certify the same into the *Chancery* or *Queen's-Bench* within Three Months, under 100 *l.* Forfeiture, to be recovered by Action of Debt, *&c.* half to the Queen, half to him that sues, with full Costs. Great-Britain.

No Fee or Reward shall be taken for administring any Oath, or making, receiving or filing the Certificate

12 *d.* only to be paid for the Oath, 2 *s.* for making, and 2 *s.*

Great-Britain.

case thereof, except one Shilling for administring the Oath, and two Shillings for making the Certificate, and two Shillings for receiving and filing the same, under the penalty of twenty Pounds to be forfeited by the Offender, and to be recovered and divided as aforesaid.

for filing the Certificate, under a Forfeiture, to be recovered and divided as above.

Stat. 10. Anne.

Enacted, That upon every Election to be made of a Knight of a Shire within England, every Freeholder before he is admitted to poll, shall, if required by the Candidates, or any of them, or any other person having a Right to vote, first take the Oath (in this Act contained, which see in the Appendix) which Oath the Sheriff, &c. is to administer: And in taking the Poll, the Sheriff, &c. shall enter not only the place of the Elector's Freehold, but also the place of his Abode, and Juratæ against the Name of every Voter, who shall be tender'd and take the Oaths hereby required; and the Sheriff, or returning Officer,

Sheriff, &c. to swear each Freeholder, if by any Candidate, or Voter, required.

Sheriff, &c. shall enter the Place of the Elector's Freehold, of his Abode, and Juratæ against the name of every Voter sworn, and within 20 Days after the Elections

ficer,

ficer, shall within twenty Days after such Election, deliver over upon Oath (to be administred by the next Justices of the Peace, one *Quorum*) unto the Clerk of the Peace of the same County, all the Poll-Books of such Elections, and in Counties where there are more than one Clerk of the Peace, the Original to one, and attested Copies to the rest, to be kept among the Records of the Sessions of the Peace for the County: And if any Quaker, during the Continuance of an Act, (7 Gail. 3.) Intituled, (An Act, that the solemn Affirmation and Declaration of the People called *Quakers*, shall be accepted instead of an Oath, in the usual Form) shall upon such Election, if required by the Candidates, or any of them, declare the Effect of the said Oath upon his solemn Affirmation, in such Manner and Form as is directed by the said Act, every such Quaker shall be capable, and admitted to give his Vote for the Election of any such Member within England; and every Sheriff, &c. is hereby authorized and required to accept such Affirmation

Poll-Books upon Oath to the Clerk of the Peace, &c.

Sheriff, &c. to admit any Quaker to vote during the Act 7 W. 3. and accept his Affirmation to the Effect of the Oath, according to the said Act, instead thereof; and enter *Affirm'd* against the Name of such *Quaker*.

Great-Britain.

mation instead of the said Oath, and shall enter Affirmat' against the Name of every such Quaker.

2. Stat. 12 Anne.

Enacted, That any of the Electors present, suspecting any person or persons (either Electors or Candidates for Shires or Stewartries in *Scotland*, after the End of this present Parliament) to have his or their Estates in trust, and for the Behoof of another may require the Peeses to the Meeting, to tender the Oath, (in this Act contained, which see in the Appendix) and the said Peeses is hereby impowered and required to administer the same.

Peeses of the Meeting upon Request of any Elector of a Shire or Stewartry in *Scotland*, to swear either Elector or Candidate to their Estates.

Returning Officers are hereby ordained to make their Returns of the persons elected by the Majority of the Freeholders, inrolled, and those admitted by them, reserving always the Liberty of Objecting against the persons admitted to, or excluded from the Poll as formerly.

Returning Officers to return Persons elected by a Majority of Freeholders inrolled, and those admitted by them, with Liberty of Objecting, &c.

All

All Sheriffs of Shires, and Stewarts of Stewartries, shall under the pain of 500 l. Sterling, one Moiety whereof shall be to the Queen, Her Heirs and Successors, and the other Moiety to the person or persons who shall sue for the same, to be recovered before the Court of Session, by any Action Summarily, without abiding the Course of the Roll to make the publick Intimations required by the Laws of Scotland, at the several Parish Churches within their respective Jurisdictions, at least three Days before the Diet of Elections.

Sheriffs and Great-Britain.
Stewarts under 500 *l.* Penalty, half to the Queen, half to him that sues before the Court of Session, *&c.* to make publick Intimation at the Parish Churches within their Jurisdictions 3 Days before the Diet of Elections.

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The Form *of the Candidates* OATH *to be taken (if required) by* Stat. 9. Annæ.

I *A. B.* do Swear, That I truly, and *bona fide*, have such an Estate in Law or Equity, to and for my own Use and Benefit, of or in Lands, Tenements or Hereditaments (over and above what will satisfy and clear all Incumbrances that may affect the same) of the Annual Value of Six hundred Pounds, above Reprizes, as doth qualify me to be Elected and Returned to serve as a Member for the County of according to the Tenour and true Meaning of the Act of Parliament in that Behalf; and that my said Lands, Tenements or Hereditaments, are lying or being within the Parish, Township or Precinct of *Or*, in the several Parishes, Townships or Precincts of in the County of *Or*, in the several Counties of (as the Case may be)

The like Oath (*Mutatis mutandis*) as to the Value of 300 *l.* to be taken by Candidates for a City, Borough, *&c.*

The

BRITISH MUSEUM 22 NOV 54

The Form *of the Freeholders* OATH *to be taken* (*if required*) *by* Stat. 10. Annæ.

YOU shall Swear, That you are a Freeholder in the County of and have Freehold Lands or Hereditaments lying or being at in the County of of the Yearly Value of Forty Shillings above all Charges payable out of the same; and that such Freehold Estate hath not been Made or Granted to you Fraudulently, on purpose to qualify you to give your Vote; and that the Place of your Abode is at in and that you have not been Polled before at this Election.

N. B. The Freeholders Oath appointed by the *Stat.* 7 & 8 *W.* 3. *chap.* 25. is abrogated by the Statute that appoints this.

The Form *of the Freeholders, &c.* OATH *to be taken* (*upon Objection made*) *by* Stat. 12. Annæ.

I *A. B.* do, in the Presence of God, Declare and Swear, That the Lands and Estate of for which I Claim to give my Vote in this Election, are not conveyed

to me in Truſt, or for the Behoof of any other Perſon whatſoever; and I do Swear before God, That neither I, nor any Perſon to my Knowledge, in my Name, or by my Allowance, hath given, or intends to give, any Promiſe, Obligation, Bond, Back-bond, or other Security, for Rediſponing or Reconveying the ſaid Lands and Eſtate, any manner of Way whatſoever: And this is the Truth, as I ſhall anſwer to God.

FINIS.